

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Friday, April 25, 1947

## TITLE 3—THE PRESIDENT PROCLAMATION 2729

COPYRIGHT EXTENSION: NEW ZEALAND  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941 (55 Stat. 732) the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS the Governor-General of New Zealand has issued an Order in Council, effective from this day, by the terms of which treatment substantially equal to that authorized by the aforesaid act of September 25, 1941 is accorded in New Zealand to literary and artistic works first produced or published in the United States of America; and

WHEREAS the aforesaid Order in Council is annexed to and is part of an agreement embodied in notes exchanged this day between the Government of the United States of America and the Government of New Zealand; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685) citizens of New Zealand are, and since July 1, 1909 have been, entitled to the benefits of the act of Congress approved March 4, 1909 (35 Stat. 1075) relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated February 9, 1917 (39 Stat. 1815) the citizens of New Zealand are, and since December 1, 1916 have been, entitled to the benefits of section 1 (e) of the aforesaid act of March 4, 1909;

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the

authority vested in me by the aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) works of citizens of New Zealand which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, including works subject to *ad interim* copyright and (2) works of citizens of New Zealand subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed during several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941, and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of April, in the year of our Lord nineteen hundred [SEAL] and forty-seven, and of the Independence of the United States

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of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,  
Acting Secretary of State.

[F. R. Doc. 47-4022; Filed, Apr. 24, 1947;  
12:12 p. m.]

## EXECUTIVE ORDER 9841

## TERMINATION OF THE OFFICE OF TEMPORARY CONTROLS

WHEREAS the Congress, in the Urgent Deficiency Appropriation Act, 1947, approved March 22, 1947, has declared its intent that the Office of Temporary Controls be closed and liquidated by June 30, 1947; and

WHEREAS it is necessary to provide for the orderly liquidation of such Office and the disposition of its residual affairs:

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes, including the last paragraph of Title I of the First Supplemental Surplus Appropriation Rescission Act, 1946, approved February 18, 1946, Title III of the Second War Powers Act, 1942 as amended by the First Decontrol Act of 1947, section 201 (b) of the Emergency Price Control Act of 1942, as amended, section 2 of the Stabilization Act of 1942, as amended, and Title I of the First War Powers Act, 1941, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

## PART I

101. The Office of Temporary Controls, established by Executive Order No. 9309 of December 12, 1946, shall be terminated and disposition shall be made of its functions according to the provisions of this order.

## PART II

201. The provisions of this Part shall become effective on May 4, 1947.

202. Functions of the Temporary Controls Administrator under the Emergency Price Control Act of 1942, as amended, Executive Order No. 9809, and any other statute, order, or delegation are transferred as follows:

(a) Functions with respect to rent control are transferred to the Housing Expediter and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Government as he may designate.

(b) Functions with respect to price control over rice are transferred to the Secretary of Agriculture and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Agriculture as he may designate.

(c) Functions with respect to (1) subsidies, including determinations of the correct amounts of claims and the recovery of over-payments (but excluding premium-payment functions transferred under paragraph 302 (b) hereof), (2) applications for price adjustments filed under Supplementary Order 9 and Procedural Regulation 6 (Adjustment of Maximum Prices for Commodities and Services under Government Contracts or Subcontracts, 7 F. R. 5037, 5444) of the Office of Price Administration; and (3) the interpretation and application of price and subsidy regulations and orders which affect the amount of subsidy payable; are transferred to the Reconstruction Finance Corporation.

203. The following functions of the Temporary Controls Administrator are

transferred to the Secretary of Commerce and shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Commerce as he may designate:

(a) Functions of the President under Title III of the Second War Powers Act, 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of this Part.

(b) Functions with respect to determining, under section 6 (a) of the Strategic and Critical Materials Stockpiling Act, the amount of strategic and critical materials necessary to make up any deficiency of the supply thereof for the current requirements of industry.

(c) Functions under section 124 of the Internal Revenue Code, as amended.

(d) Functions under section 12 of the act of June 11, 1942 (the Small Business Mobilization Act)

(e) Functions with respect to claims relating to the expansion of the capacity of defense plants when such expansion is alleged to have been undertaken at the request of the War Production Board or any of its predecessor agencies.

(f) Functions with respect to claims relating to property requisitioned by the Chairman of the War Production Board or by any of his predecessors.

(g) Except as otherwise provided by statute or this or any other Executive order, all other functions of the Temporary Controls Administrator which were immediately prior to the taking of effect of Executive Order No. 9309 vested in the Civilian Production Administrator.

204. Executive Order No. 9705 of March 15, 1946 (as modified by Executive Orders Nos. 9762 and 9309) is revoked.

205. Any authority vested in the Temporary Controls Administrator in pursuance of section 120 of the National Defense Act of 1916 (with respect to placing compulsory orders for products or materials) is withdrawn and terminated.

## PART III

301. The provisions of this Part shall become effective June 1, 1947.

302. All functions vested in the Temporary Controls Administrator by Executive Order No. 9309 not otherwise disposed of by statute or by this or any other Executive order are transferred to the Secretary of Commerce and shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Commerce as the Secretary may designate. Such functions shall include, but not be limited to, the following:

(a) Functions of the President under the Stabilization Act of 1942, as amended, vested in the Temporary Controls Administrator immediately prior to the taking of effect of this Part.

(b) Functions with respect to premium payments under section 2 (e) (a) (2) of the Emergency Price Control Act of 1942, as amended, insofar as such payments relate to copper, lead, and zinc ores.

(c) Functions with respect to the establishment of maximum prices for industrial alcohol sold to the Government or its agencies.

(d) The liquidation of the functions of the Office of Temporary Controls and of the agencies thereof, except liquidation relating to functions specifically transferred to other agencies (by the provisions of this order or otherwise)

303. The Office of Temporary Controls is terminated.

#### PART IV

401. The provisions of this Part shall become effective, respectively, on the dates on which functions are transferred or otherwise vested by the provisions of this order.

402. Functions under the Emergency Price Control Act of 1942, as amended, transferred under the provisions of this order shall be deemed to include authority on the part of each officer to whom such functions are transferred hereunder to institute, maintain, or defend in his own name civil proceedings in any court (including the Emergency Court of Appeals), relating to the matters transferred to him, including any such proceedings pending on the effective date of the transfer of any such function under this order. The provisions of this paragraph shall be subject to the provisions of the Executive order entitled "Conduct of Certain Litigation Arising under Wartime Legislation," issued on the date of this order and effective June 1, 1947.<sup>1</sup>

403. (a) The records, property, and personnel relating primarily to the respective functions transferred under the provisions of this order shall be transferred, and the funds relating primarily to such respective functions shall be transferred or otherwise made available, to the agencies to which such functions are transferred. Such measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this paragraph shall be carried out in such manner as the Director may determine and by such agencies as he may designate.

(b) In order that the confidential status of any records affected by this order shall be fully protected and maintained, the use of any confidential records transferred hereunder shall be so restricted by the respective agencies as to prevent the disclosure of information concerning individual persons or firms to persons who are not engaged in functions or activities to which such records are directly related, except as provided for by law or as required in the final disposition thereof pursuant to law.

404. All provisions of prior Executive orders in conflict with this order are amended accordingly. All other prior and currently effective orders, rules, regulations, directives, and other similar instruments relating to any function transferred by the provisions of this order or issued by any agency terminated hereunder or by any predecessor or constituent agency thereof, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

<sup>1</sup> See E. O. 9842, *infra*.

405. As used in this order, "functions" includes powers, duties, authorities, discretions, and responsibilities.

HARRY S. TRUMAN

THE WHITE HOUSE,  
April 23, 1947

[F. R. Doc. 47-3997; Filed, Apr. 23, 1947;  
5:07 p. m.]

#### EXECUTIVE ORDER 9842

##### CONDUCT OF CERTAIN LITIGATION ARISING UNDER WARTIME LEGISLATION

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941, and as President of the United States, and having regard to the established responsibilities and powers of the Department of Justice and of the Attorney General under the statutes of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. The Attorney General is authorized and directed, in the name of the United States or otherwise as permitted by law, to coordinate, conduct, initiate, maintain or defend:

(a) Litigation before the Emergency Court of Appeals for and on behalf of the Secretary of Agriculture, the Secretary of Commerce, and the Reconstruction Finance Corporation, respectively.

(b) Litigation against violators of regulations, schedules or orders relating to maximum prices pertaining to any commodity which has been removed from price control;

(c) Litigation arising out of Directive 41, as amended, of the Office of Economic Stabilization pertaining to the withholding of subsidies because of noncompliance with or violations of control orders.

2. Nothing herein shall be deemed to restrict or limit the powers conferred upon the Attorney General by law with respect to the conduct, settlement, disposition or review of litigation.

3. The functions and duties of the Attorney General under this order shall be performed by him or, subject to his direction and control, by such officers or agencies of the Department of Justice as he may designate, and there shall be made available to the Attorney General, pursuant to the provisions of Executive Order No. 9784 of September 25, 1946, any files or records pertinent to the subject matter hereof.

4. This order shall become effective June 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,  
April 23, 1947

[F. R. Doc. 47-3998; Filed, Apr. 23, 1947;  
5:07 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 12—REMOVALS AND REDUCTIONS

##### RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

In the FEDERAL REGISTER of February 25, 1947, Chapter I was revised and certain parts, including part 12, §§ 12.301 to 12.314, inclusive, were redesignated effective May 1, 1947 (12 F. R. 1270). This amendment to § 12.306, which is effective on publication in the FEDERAL REGISTER, is to be carried over on May 1, the effective date of the redesignation.

Section 12.306 (redesignated as § 20.6 effective May 1, 1947) is amended to read as follows:

§ 12.306 *Special regulations relating to consolidations and mergers.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department, all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where, in the course of liquidation of an agency, functions are transferred only for liquidation, and functional operations have terminated or will terminate by law or authoritative order within sixty calendar days, employees engaged on such functions may be given temporary appointments, initially without change in grade or compensation, in the department or agency responsible for such liquidation.

All changes to temporary appointments under these regulations are subject to review by the Civil Service Commission on appeal by affected employees, and shall be corrected to transfers without change in tenure of employment in all cases where the Commission finds such action to be proper. Employees given temporary appointments under these regulations shall be notified that they may appeal such action within thirty days to the Civil Service Commission.

(c) Any employee assigned to a transferred function, who has been given a temporary appointment because functional operations were to be terminated by law or authoritative order within sixty calendar days, shall be restored to his tenure of employment prior to the transfer of the function, whenever such function is continued in operation for a longer period by law or authoritative order.

NOTE: Because of the necessity of making the procedures provided for in the above amendment available for use in current reductions in force, the Commission finds that good cause exists for making the amendment

effective upon publication in the FEDERAL REGISTER.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

[SEAL] UNITED STATES CIVIL  
SERVICE COMMISSION,  
H. B. MITCHELL,  
President.

[F. R. Doc. 47-3947; Filed, Apr. 24, 1947;  
8:49 a. m.]

## TITLE 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

#### TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary Controls, Office of Price Administration, with respect to price control over rice, to the Secretary of Agriculture, see Executive Order 9841, *supra*.

### Chapter VIII—Production and Mar- keting Administration (Sugar Branch)

[SECO 1]

#### PART 803—SUGAR EXPORTS

##### RESTRICTION ON EXPORTS OF SUGAR

Pursuant to the authority vested in the Secretary of Agriculture by law, including the Sugar Control Extension Act of 1947, it is hereby ordered as follows:

§ 803.1 *Sugar exports*—(a) *Definitions*. For purposes of this section: (1) "Order administrator" means the employee of the Department of Agriculture authorized by the Administrator of the Production and Marketing Administration to administer Sugar Export Control Order 1.

(2) "Export" means to transport or cause to be transported any commodity covered by this section in any manner from the United States or any of its territories and possessions to any foreign country or foreign territory. The term includes but is not limited to transporting from a free port, free zone, or bonded custody of the U. S. Bureau of Customs (bonded warehouse) and transshipment through the United States or any of its territories or possessions, to any foreign country or foreign territory.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(4) "Sugar" means any grade or type of saccharine product derived from sugarcane, sugar beets or corn, whether principally of crystalline or non-crystalline structure, which contains sucrose, dextrose, or levulose and which contains less soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) than 6 percent by weight of the total soluble solids.

(5) "Sirup and molasses, including blackstrap" means any grade or type of saccharine product (other than sugar or sugar-containing products) derived from sugarcane, sugar beets, or corn, either edible or inedible, which is principally of non-crystalline structure, which contains sucrose, dextrose, or levulose, and which contains soluble non-sugar solids (exclusive of any foreign substance that may have been added or developed in the product) equal to 6 percent or more by weight of the total soluble solids.

(6) "Sugar-containing product" means any product (other than sugar or sirup and molasses, including blackstrap) which contains any amount of sucrose, dextrose, or levulose, derived from sugarcane, sugar beets, or corn.

(b) *General restriction*. No person shall export the commodities listed below without authorization from the Order Administrator:

(1) Sugar.

(2) Sirup and molasses, including blackstrap.

(3) Sugar-containing products the sugar contents of which is 70 percent or more by weight: *Provided*, That the provisions of this paragraph shall not apply to the exportation of such sugar-containing products from the continental United States.

(c) *Application for authorization*. (1) The exporter, or his duly authorized agent, desiring an export authorization required under paragraph (b) of this section shall make application therefor on Form SU-210, "Application for Export Authorization for Sugar, Sirup and Molasses, Including Blackstrap, and Certain Sugar-Containing Products," (or such other form as may be issued for this purpose) and proceed as follows:

(i) The application shall be completed in triplicate. All data requested on the form shall be furnished, including Department of Commerce Schedule B numbers. Where the exporter intends to make shipments from more than one part at the same time, separate applications shall be filed covering shipment from each port.

(ii) The copy marked "Duplicate" must bear the signature of the applicant.

(iii) The "Original" and "Duplicate" of the application shall be forwarded to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C. The "Triplicate" shall be retained by the applicant.

(iv) The "Original" of the application, when properly validated, constitutes the authorization. Such authorization will be returned to the applicant and must be presented to the Collector of Customs at the port of exit, or in the case of shipment by mail, to the Postmaster at the point of mailing. In the case of shipment by water or air the authorization must be presented prior to loading. In the case of shipments by means other than water, air or mail, the authorization must be presented to the Collector of Customs at the port of exit prior to the inspection by the customs official. Additional copies of Form SU-210, or such other form as may be issued, may be

obtained from the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C., or from the Sugar, Fibers, Fats and Oils Office, Production and Marketing Administration, 150 Broadway, New York 7, New York.

(2) Any person desiring an export authorization required for any sugar-containing product containing less than 70 percent of sugar by weight shall make application, where required, on such form and under such procedures as may be prescribed by the Office of International Trade of the Department of Commerce.

(d) *Exceptions*. Unless otherwise directed by the Order Administrator, the restrictions set forth in this section shall not apply to:

(1) Commodities owned at the time of exportation by the United States Government or any agency thereof.

(2) Food consigned as a gift to the consignee or exported for personal use by the consignor where the value of each consignment or shipment is less than \$10.00: *Provided*, That (i) each gift parcel is restricted to 11 pounds in weight, (ii) not more than two gift parcels per month is sent by the same sender to the same address, and (iii) each gift parcel sent by mail conforms to restrictions established by the Post Office Department.

(e) *Submission of authorizations to collectors of customs*. No commodity subject to the provisions of paragraph (b) of this section shall be exported until an original validated export authorization therefor has been presented to the Collector of Customs or Postmaster as provided by paragraph (c) (1) (iv) of this section.

(f) *Records and reports*. (1) Any person granted an export authorization under the provisions of this section shall for at least two years or such period of time as the Order Administrator may designate, keep complete and accurate books, records and accounts of the product exported under such authorization. The Order Administrator shall have the right at any time or times during business hours to examine such books and records and other books and records relating to the export.

(2) Any person granted an export authorization under the provisions of this section shall execute and file with the Sugar Branch, Production and Marketing Administration, Department of Agriculture, such reports and questionnaires as shall be prescribed by the Order Administrator, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Existing contracts*. The restrictions of this section shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(h) *Violations*. Any person who willfully violates any provisions of this section or who, in connection with this section, willfully conceals a material fact or furnishes false information to any Department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. Civil action may also be instituted to enforce any liability or duty



## RULES AND REGULATIONS

created by, or to enjoin any violation of, any provision of this section. The person to whom the authorization is issued will be held strictly accountable for the proper use thereof.

(i) *Hardship case.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Administrator of Production and Marketing Administration, obtain a review by the Administrator of Production and Marketing Administration, of such action. After said review, the Administrator of Production and Marketing Administration may take such action as he deems appropriate, which action shall be final.

(j) *Communications.* Appeals and other communications concerning this section shall be directed to the Sugar Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(k) *Delegation of authority.* (1) Authority is hereby delegated to the Office of International Trade, Department of Commerce, to exercise and perform all such powers and functions under section 6 of the act of July 2, 1940 (54 Stat. 714) as amended and extended, as are now vested in the Secretary of Agriculture, with respect to sugar-containing products containing less than 70 percent of sugar by weight, insofar as such products may be included in the definition of sugar contained in the Sugar Control Extension Act of 1947.

(2) The administration of this section and the powers vested in the Secretary of Agriculture insofar as such powers relate to the administration of this section are hereby delegated to the Administrator of Production and Marketing Administration. The Administrator of Production and Marketing Administration is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(l) *Effective date.* This section shall become effective immediately upon the issuance thereof and shall supersede the Export Control Regulations of the Office of International Trade, Department of Commerce, insofar as it relates to sugar, sirup and molasses, including blackstrap, and sugar-containing products containing 70 percent or more of sugar by weight, all as defined herein: *Provided*, That export licenses issued by the Office of International Trade, Department of Commerce, prior to April 1, 1947, shall be valid until the expiration date thereof. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to the effective date hereof, under the Export Control Regulations issued by the Office of International Trade, Department of Commerce, all provisions of said regulations shall be

deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal. (Sec. 6, 54 Stat. 714, as amended by 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 30, 80th Cong., 50 U. S. C. App. Supp. 701)

NOTE: The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of April 1947.

[SEAL] CLINTON P. ANDERSON,  
Secretary.

[F. R. Doc. 47-3910; Filed, Apr. 24, 1947;  
8:45 a. m.]

## TITLE 13—BUSINESS CREDIT

## Chapter I—Reconstruction Finance Corporation

## TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary Controls, Office of Price Administration and Office of War Mobilization and Reconversion (Stabilization) with respect to subsidies, applications for price adjustments and related functions, to the Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

## TITLE 15—COMMERCE

## Subtitle A—Office of the Secretary of Commerce

## TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of certain functions of the Office of Temporary Controls to the Secretary of Commerce, see Executive Order 9841, *supra*.

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

## PART 360—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE OFFICE OF INTERNATIONAL TRADE

## RESTRICTIONS ON EXPORTS OF SUGAR

CROSS REFERENCE: For superseding of the Export Control Regulations relating to sugar, sirup and molasses, including blackstrap, and sugar-containing products by regulations of the Production and Marketing Administration, Department of Agriculture, see Federal Register Document 47-3910, Title 7, Chapter VIII, Part 803, *supra*.

## TITLE 24—HOUSING CREDIT

## Chapter VIII—Office of the Housing Expediter

## TRANSFER OF FUNCTIONS FROM OFFICE OF TEMPORARY CONTROLS

CROSS REFERENCE: For the transfer of functions of the Office of Temporary

Controls, Office of Price Administration, with respect to rent control, to the Housing Expediter, see Executive Order 9841, *supra*.

[Suspension Order S-12]

## PART 807—SUSPENSION ORDERS

RALPH T. CHILTON & STONEWALL J. WEBSTER

About April 23, 1946, Ralph T. Chilton and Stonewall J. Webster, partners, without authorization by the Civilian Production Administration began the construction of a tobacco pack house on Murphy Street, Madison, North Carolina, at an estimated cost of \$2,700. On May 4, 1946, the partners were authorized by the Civilian Production Administration to erect a tobacco pack house of four Butler Ready-Made buildings at that location but thereafter continued construction of such tobacco pack house out of concrete block, brick, lumber and other materials not covered by the authorization and exceeded dimensions of the structure authorized. This was a wilful violation of Veterans' Housing Program Order 1 and has diverted critical material to uses not authorized by the Civilian Production Administration or the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

## § 807.12 Suspension Order No. S-12.

(a) Neither Ralph T. Chilton nor Stonewall J. Webster, their successors and assigns, nor any other person, shall do any further construction on the said pack house property located on Murphy Street, Madison, North Carolina, including putting up, completing or altering any structure located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Ralph T. Chilton and Stonewall J. Webster shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Ralph T. Chilton and Stonewall J. Webster, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,

By JAMES V. SARCONI,  
Authorizing Officer

[F. R. Doc. 47-3971; Filed, Apr. 23, 1947;  
3:04 p. m.]

[Suspension Order S-13]

## PART 807—SUSPENSION ORDERS

KURTZ-HODGE IMPLEMENT CO., INC.

Kurtz-Hodge Implement Co., Inc., a New York Corporation of 10 Park Place, Avon, New York, is the owner of property located at that address. It violated Vet-

erans' Housing Program Order 1 in that (1) on or about May 15, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess \$1,000, of a partly residential and partly commercial building located at 10 Park Place, Avon, New York; (2) on and after May 15, 1946 it carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of \$1,000, of a partly residential and partly commercial building located at 10 Park Place, Avon, New York. In view of the foregoing, it is hereby ordered that:

§ 807.13 *Suspension Order No. S-13.* (a). The temporary suspension order issued by telegram dated November 18, 1946, is hereby revoked.

(b) Neither Kurtz-Hodge Implement Co., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 10 Park Place, Avon, New York, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(c) Kurtz-Hodge Implement Co., Inc. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Kurtz-Hodge Implement Co., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONI,  
Authorizing Officer.

[F. R. Doc. 47-3972; Filed, Apr. 23, 1947;  
3:04 p. m.]

[Suspension Order S-18]

PART 807—SUSPENSION ORDERS

JOHN H. WOOD

John H. Wood, of 857 Hawthorne Road, Grosse Pointe Woods, Michigan, on or about December 1, 1946, without authorization of the Civilian Production Administration or the Office of the Housing Expediter, began and thereafter carried on construction of a structure, dimensions 50' x 78' for use as a gasoline and service station, the estimated cost of which was in excess of \$1,000. These violations have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.18 *Suspension Order No. S-18.* (a) Neither John H. Wood, his successors or assigns, nor any other person, shall, except to the extent authorized by the Civilian Production Administration—Application CPA 4423, Case No. 3-5—

3705—do any further construction on the structure located at Mack Avenue and Cook Road, Grosse Pointe Woods, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Office of the Housing Expediter.

(b) John H. Wood shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authority to construct or for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve John H. Wood, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONI,  
Authorizing Officer.

[F. R. Doc. 47-3973; Filed, Apr. 23, 1947;  
3:04 p. m.]

[Suspension Order S-21]

PART 807—SUSPENSION ORDERS

DETROIT CONSTRUCTION CO.

Detroit Construction Company, 13836 Linwood Avenue, Detroit, Michigan, is a copartnership consisting of Michael Chernick and Belle V. Chernick, his wife. The company is charged by the Office of the Housing Expediter with violating Veterans' Housing Program Order 1 in that without authorization of the Civilian Production Administration or the Office of the Housing Expediter the company began, on or about October 23, 1946 and thereafter carried on construction of a non-residential structure containing approximately 4,000 square feet, at 3954 Dix Highway, Lincoln Park, Michigan, the estimated cost of which was in excess of \$1,000. This violation has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.21 *Suspension Order No. S-21.* (a) Neither the Detroit Construction Company, its successors and assigns, nor any other person shall do any further construction on the premises located at 3954 Dix Highway, Lincoln Park, Michigan, including putting up, completing or altering the structure, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Detroit Construction Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Detroit Construction Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same

may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONI,  
Authorizing Officer.

[F. R. Doc. 47-3974; Filed, Apr. 23, 1947;  
3:04 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes  
[T. D. 5569]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF CONSTRUCTIVE AVERAGE BASE PERIOD NET INCOME

Regulations 109 (26 CFR, Part 30) and Regulations 112 (26 CFR, Part 35) are amended as follows:

1. Section 30.722-2 (b) as amended by Treasury Decision 5415, approved November 3, 1944, is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

2. Section 35.722-2 (b) as amended by Treasury Decision 5415, approved November 3, 1944, is further amended by striking out the last sentence of subparagraph (1) and inserting in lieu thereof the following: "In a proper case, however, growth may be recognized in arriving at the fair and just amount representing normal earnings if, and to the extent that, such recognition is reasonable and consistent with the conditions and limitations of section 722."

3. The amendment to Part 30 Regulations 109 made by paragraph 1 of this Treasury decision shall be applicable to all taxable years covered by such regulations. The amendment to Part 35 (Regulations 112) made by paragraph 2 of this Treasury decision shall be applicable to all taxable years covered by such regulations.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 62, 53 Stat. 32 as made applicable by sec. 729 (a) 54 Stat. 989; 26 U. S. C. 62, 729 (a))

[SEAL] WM. T. SHERWOOD,  
Acting Commissioner of  
Internal Revenue.

Approved: April 21, 1947.

JOSEPH J. O'CONNELL, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-3943; Filed, Apr. 24, 1947;  
8:49 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors: Tests for Permissibility; Fees

#### PART 25—MULTIPLE-SHOT BLASTING UNITS

The rules and regulations in this part relate to the requirements for construction of multiple-shot blasting units under which satisfactory 10-shot units may be approved for use in gassy mines, and include forms for application for approval, conditions under which tests are made, and the fees charged. Applications for approval are voluntary with manufacturers of multiple-shot blasting units. Such manufacturers are few in number and have been consulted in the revision of the rules, and good cause exists for making them effective immediately. For these reasons the notice and public procedure prescribed by section 4 of the Administrative Procedure Act (Public Law 404, 79th Cong.) are unnecessary and the regulations shall become effective as of the date of their approval by the Secretary of the Interior.

Section 25.11 is revoked, and §§ 25.0 to 25.10, inclusive, are amended as follows:

- Sec.  
25.0 Compliance with the requirements for obtaining approval.  
25.1 Purpose.  
25.2 Fees charged.  
25.3 Instructions on making applications.  
25.4 Conditions governing investigations.  
25.5 General requirements.  
25.6 Specific requirements.  
25.7 Material required for Bureau of Mines records.  
25.8 How approvals are granted.  
25.9 Wording, purpose, and use of approval plate.  
25.10 Instructions on handling future changes in design.

**AUTHORITY:** §§ 25.0 to 25.10, inclusive, issued under sec. 311, 47 Stat. 410; 30 U. S. C. 7; E. O. 6611, Feb. 22, 1934.

§ 25.0 *Compliance with the requirements necessary for obtaining approval.* To receive approval of the Bureau of Mines for any multiple-shot blasting units a manufacturer must comply with the requirements specified in this part.

§ 25.1 *Purpose.* The purpose of investigations under this part is to promote the development of suitable multiple-shot blasting units for use under special conditions where the firing of several shots, one at a time, may be considered less safe than firing all simultaneously. The sanction of the use of multiple-shot firing units, with capacities up to ten shots, does not rescind the general recommendation of this Bureau in favor of single-shot firing except under special conditions, and in no way modifies the safety principles prescribed by the Bureau for handling permissible explosives as published in Part 16 of this chapter. Lists of such units will be published from time to time for the information of State mine inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines. This part shall become

effective when approved by the Secretary of the Interior.

Any blasting unit that meets the requirements set forth in this part will be termed "permissible" by the Bureau of Mines.

§ 25.2 *Fees charged.* (a) The fee for a complete investigation of a multiple-shot blasting unit under this part is \$100.<sup>1</sup>

(b) The fee for tests covering only a part of a complete investigation shall be proportional to the work involved.

Application for retests that may be equivalent to more than one-half of a complete investigation should be accompanied by a check for the full fee. Application for tests covering changes in design, which may require less than one-half of a complete investigation, should be accompanied by a check for one-half of the full fee. Any surplus will be refunded at the close of the investigation.

(c) Under the present provisions of this part, extensions of approvals that do not require tests will be made without charge.

(d) Tests to assist a manufacturer in the development of his device may be made upon request to the Director of the Bureau and will be charged for in amounts proportionate to the work involved.

§ 25.3 *Instructions on making applications.* A form of request for an investigation of a blasting unit follows:

The Director of the Bureau of Mines,  
Department of the Interior,  
Washington 25, D. C.

Dear Sir:

We hereby make application for approval of the (type or model) Multiple-Shot Blasting Unit under the provisions of Schedule 16B. Attached is a certified check for one hundred dollars (\$100) made payable to the Treasurer of the United States to cover the fee for the tests.

A copy of this application, one set of drawings, one complete unit, and a full set of instructions for operating are being sent to the Central Experiment Station, 4800 Forbes Street, Pittsburgh, Pa., marked for the attention of the "Supervising Engineer, Electrical-Mechanical Section."

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Signature of Applicant

§ 25.4 *Conditions governing investigations.* (a) One complete unit, with assembly and detail drawings that show its construction and the materials of which it is made, should be forwarded to the Central Experiment Station at the time the application for approval is made.

(b) When the unit and drawings have been inspected by the Bureau's engineers, the applicant will be notified as to the amount of material that will be required for the tests.

(c) The applicant will be notified of the date on which tests will be started and will be given an opportunity to witness the tests.

<sup>1</sup> Although the standard fee for a complete investigation is \$100, the work involved in the investigation of a battery-type unit may not justify the full fee. In such cases a refund, depending upon the amount of work performed, but not exceeding \$50, will be made.

(d) No one is to be present at the time the tests are made except the necessary Bureau of Mines engineers, their assistants, a representative of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau.

(e) Permissibility tests will not be made unless the unit has been completely developed and is in a form that can be marketed.

(f) The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public in any way prior to the formal approval of the shot-firing unit by the Bureau of Mines.

(g) No verbal report of approval or disapproval will be made to the applicant. After the Bureau's engineers have considered the results of the tests, a formal report of the approval or disapproval will be made to the applicant in writing by the Director of the Bureau of Mines. The applicant shall not be free to advertise the unit as being permissible or as having passed the tests prior to receipt of formal notice of approval.

§ 25.5 *General requirements.* Multiple-shot blasting units approved under this part shall be portable. They shall be durable in construction, practical in operation, and suitable for service conditions underground, particularly regarding resistance to moisture. They shall offer no probable explosion hazard when used in gaseous mine atmospheres. Under laboratory test conditions, they shall satisfy the various requirements of minimum performance that are specified in this part.

§ 25.6 *Specific requirements—(a) All types.* In determination of adequacy of design, the following points will be considered: (1) Materials used; (2) construction; (3) size, weight, and shape; (4) life of the active parts, and (5) maintenance. The suitability of the materials and the construction shall be determined by preliminary inspection, dropping tests, insulation measurements, and by the general performance of the unit during the investigation.

(b) *Units of the battery type.* (1) The units shall fire 10 electric blasting caps in series through a total resistance of 30 ohms.

A unit whose source of energy is the battery of a permissible cap lamp shall meet this requirement after the cap lamp has burned six hours.

(2) Unless a unit is inherently safe, that is, cannot produce electric arcs or sparks that will ignite an explosive mixture of natural gas and air, it shall be so designed that the terminal voltage of the unit is less than 12 volts, maximum or crest value, within 30 milliseconds after firing contact is made.

(3) A unit designed to be inherently safe shall be enclosed in a waterproofed housing and shall not have directly exposed terminals. The terminals may be recessed, provided the depth, shape, and position of the recesses are such as to guard against accidental contact and to insure ready disconnection of the leading wires as soon as the shot has been



made. In this respect, it is recommended that the recesses be at least  $\frac{1}{2}$  inch deep, with a small bell-mouth opening, and be placed at a side or end of the unit.

(4) A unit designed to limit the duration of voltage on the firing circuit shall be enclosed in a housing that is sealed or locked to prevent unauthorized tampering with the device. Firing shall be by a detachable key or by a system of two or more push buttons requiring a definite sequence of operation that gives adequate protection against accidental firing; release of the key or buttons shall automatically return the firing contactors to their original positions.

Units in which firing is by discharge of a condenser shall have provision for insuring its discharge automatically after each shot or attempt to fire.

(c) *Units of the generator type.* (1) The units shall fire 10 electric blasting caps in series through a total resistance of 50 ohms.

(2) Generator units shall be so designed that electrical connection to the firing circuit is not made until near the end of the operation stroke and the terminal voltage of the unit within 30 milliseconds thereafter shall be less than 12 volts, maximum or crest value.

(3) The unit shall be operated by means of a special key or handle which, when released by the hand, will be returned automatically to its original starting position.

(4) Provision shall be made for sealing or locking the housing of the unit to prevent unauthorized changes in timing.

§ 25.7 *Material required for Bureau of Mines records.* In order that the Bureau may know exactly what it has tested and approved, it keeps detailed records covering each investigation. These records include drawings and actual equipment as follows:

(a) *Drawings.* The original drawings submitted with the application for the tests and the final drawings which the manufacturer must submit to the Bureau before the approval is granted, to show the details of the unit as approved. These drawings are used to identify the unit in the approval and as a means of checking the future commercial product of the manufacturer.

(b) *Actual equipment.* If the Bureau so desires, parts of the units that are used in the tests will be retained as records of the equipment submitted. If the unit is approved, the Bureau will require the manufacturer to submit a production model with the approval plate attached, as a record of his commercial product.

§ 25.8 *How approvals are granted.* All approvals are granted through the office of the Director of the Bureau of Mines at Washington, D. C. A blasting unit will be approved under this part only when the testing engineers have judged that it has met the requirements of the part and the Bureau's records are complete, including drawings from the manufacturer showing the unit as it is to be commercially made. No verbal reports of the investigation will be given and no informal approvals will be

granted. The manufacturer shall not advertise the unit as permissible or approved until the formal notification of approval from Washington has been received.

§ 25.9 *Wording, purpose, and use of approval plate—(a) Approval plate.* Manufacturers shall attach, stamp, or mold an approval plate on each permissible blasting unit. The plate shall bear the seal of the Bureau of Mines and be inscribed as follows:

Permissible Ten-Shot Blasting Unit  
Approval No. \_\_\_\_\_ Issued to the \_\_\_\_\_  
Company

When deemed necessary, appropriate caution statements shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

A photograph of the approval plate design will be supplied with the approval letter. This letter will assign an approval number for reference and for identification of the unit approved.

(b) *Purpose of approval plate.* The approval plate is a label that identifies the device so that anyone can tell at a glance whether it is of the permissible type or not. By the plate, the manufacturer can point out that the blasting unit complies with the Bureau's requirements and that it has been approved for use in gassy mines.

(c) *Use of approval plate.* Permission to place the Bureau's approval plate on the blasting unit obligates the manufacturer to maintain the quality of the product and to see that it is constructed according to the drawings accepted by the Bureau and in the Bureau's files. Blasting units exhibiting changes in design that have not been authorized by extension of approval are not permissible and must not bear the Bureau's approval plate.

(d) *Withdrawal of approval.* The Bureau reserves the right to rescind for cause at any time any approval granted under this part.

§ 25.10 *Instructions on handling future changes in design.* All approvals are granted with the understanding that the manufacturer will make the blasting unit according to the drawings included in the approval. Therefore, when the manufacturer desires to make any changes in the design the Bureau's authorization of the change should be obtained beforehand. The procedure is as follows:

(a) The manufacturer should write to the Director of the Bureau of Mines at Washington, D. C., requesting an extension of the original approval and describing the change or changes desired. A copy of the letter, a revised drawing showing the change in detail, and one of each of the parts affected should be sent to the Central Experiment Station, 4800 Forbes Street, Pittsburgh, Pa., marked for the attention of the Supervising Engineer, Electrical-Mechanical Section.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

(c) If no tests are necessary, the applicant will be advised whether the

change or changes are considered to meet the requirements. Changes judged to meet the requirements will be authorized by extension of approval issued through the Director's office.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required and of the necessary deposit to cover the fee for the tests. Upon satisfactory completion of the tests, extension of approval authorizing the changes will be issued through the Director's office.

R. R. SAYERS,  
Director.

Approved: April 16, 1947.

J. A. KRUG,  
Secretary of the Interior.

[F. R. Doc. 47-3903; Filed, Apr. 24, 1947;  
8:48 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Subtitle A—Office of the Secretary of the Treasury

#### PART 11—CUSTOMHOUSE BROKERS

##### REVOCATION OR SUSPENSION OF LICENSES

1. Section 11.10 is hereby amended to read as follows:

§ 11.10 *Revocation or suspension of licenses—(a) Provisions of Tariff Act.* Amended section 641 (b) of the Tariff Act of 1930 provides in part:

The collector or chief officer of the customs may at any time, for good and sufficient reasons, serve notice in writing upon any customhouse broker so licensed to show cause why said license shall not be revoked or suspended, which notice shall be in the form of a statement specifically setting forth the ground of complaint. The collector or chief officer of customs shall within ten days thereafter notify the customhouse broker in writing of a hearing to be held before him within five days upon said charges. At such hearing the customhouse broker may be represented by counsel, and all proceedings including the proof of the charges and the answer thereto, shall be presented, with the right of cross-examination to both parties, and a stenographic record of the same shall be made and a copy thereof shall be delivered to the customhouse broker. At the conclusion of such hearing the collector or chief officer of customs shall forthwith transmit all papers and the stenographic report of the hearing, which shall constitute the record of the case, to the Secretary of the Treasury for his action. Thereupon the said Secretary of the Treasury shall have the right to revoke or suspend the license of any customhouse broker shown to be incompetent, disreputable, or who has refused to comply with the rules and regulations issued under this section, or who has, with intent to defraud, in any manner willfully and knowingly deceived, misled, or threatened any importer, exporter, claimant, or client, or prospective importer, exporter, claimant, or client, by word, circular, letter or by advertisement. (Sec. 4, 49 Stat. 864)

## RULES AND REGULATIONS

(b) *Rules of procedure.* A proceeding for the revocation or suspension of a customhouse broker's license shall, subject to the Tariff Act of 1930, as amended, and the Administrative Procedure Act, be governed by the following rules:

(1) *Inability of collector to act.* In the case of sickness or necessary absence of the collector which prevents him from acting as provided in this section, the assistant collector shall be deemed the chief officer of the customs referred to in amended section 641 (b) of the Tariff Act of 1930, and shall perform the duties of the collector prescribed in this section. [Rule 1]

(2) *Investigation.* All complaints or charges against customhouse brokers filed with collectors or other customs officers shall forthwith be forwarded for investigation to the supervising customs agent in charge of the district in which the broker is located. The supervising customs agent shall make his report and transmit it, with recommendation, to the collector of the appropriate district, for such action as may be necessary, and shall also transmit a copy thereof to the Commissioner of Customs. [Rule 2]

(3) *Abatement of charges.* If the collector determines that there is not sufficient evidence to prefer charges, he shall report all of the facts to the Commissioner of Customs. [Rule 3]

(4) *Institution of proceedings.* If the collector determines that there is sufficient evidence to prefer charges, he shall, subject to the applicable provisions of this section, institute and conduct a proceeding pursuant to amended section 641 (b) of the Tariff Act of 1930. [Rule 4]

(5) *Drafting of notice.* The collector may call upon the Attorney for the Government to aid him in preparing the statement of charges to be served upon the accused broker. [Rule 5]

(6) *Opportunity to avoid proceeding.* The collector shall, before a proceeding is instituted, give to the accused broker preliminary notice in writing that:

(i) Transmits a copy of the proposed statement of charges, or a specification of the substance thereof;

(ii) Cites sections 5 (b) and 9 (b) of the Administrative Procedure Act;

(iii) Calls upon the accused broker to show cause why the proceeding should not be instituted;

(iv) Informs the accused broker that the notice affords him opportunity to make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(v) Invites any negotiation that the accused broker deems it desirable to enter into; and

(vi) Specifies a reasonable time for response to that notice: *Provided*, That, if prior to service of the statement of charges, the collector determines that the case is one where such preliminary notice would be improper and unnecessary, he shall incorporate his findings and his reasons therefor in the statement of charges, and the statement of charges shall be served without first giving such preliminary notice. [Rule 6]

(7) *Service of statement of charges.* Notice of the charges, signed by the col-

lector, shall be served upon the accused customhouse broker in the following manner:

(i) If an individual:

(a) By delivery to the accused broker personally, or

(b) By registered mail, with demand for a return card signed solely by the addressee;

(ii) If a corporation, association, or partnership:

(a) By delivery to any officer of such corporation or association, or member of such partnership, or

(b) By registered mail addressed to any such officer or member, with demand for a return card signed solely by the addressee: *Provided*, That, if a customhouse broker shall have signed and filed with the Committee his written consent to be served in some other manner, it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service. [Rule 7]

(8) *Content of statement of charges.* The notice of charges shall state the place where and time within which the accused may file in duplicate his verified answer, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the collector, giving a plain and concise, but not necessarily detailed, description of the facts which it is claimed constitute grounds for suspension or revocation of license. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute ground for suspension or revocation of license, may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the accused desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the collector asking that the statement of charges be made more specific, setting forth in such motion in what specific respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the collector such information is reasonably necessary to enable the accused to prepare his defense, the collector shall furnish the accused with an amended statement of charges giving the needed information. [Rule 8]

(9) *Service of other papers.* After notice of the charges has been duly served, all other papers in the case, including notice of the time and place of the hearing, shall be served as follows:

(i) By delivering the same to the accused personally if an individual; or if a corporation, association, or partnership, to any officer or member thereof; or

(ii) By leaving them at the office of the accused, or of such officer or member,

with his clerk or with a person in charge thereof; or

(iii) By depositing them in a United States post office or post-office box, enclosed in a sealed envelope, plainly addressed to such accused, or to such member or officer, at the address under which the accused is licensed or at the last known address of the accused, or such member or officer.

(iv) When the accused, whether an individual, corporation, association, or partnership, is represented by attorney, by service upon the attorney in the same manner as provided for in subdivision (i) (ii) or (iii) of this subparagraph for service on the accused personally. [Rule 9]

(10) *Copies filed with Committee.* Copies of all papers in the case, including the notice of charges, and notice of the time and place of all hearings, shall be sent promptly by the collector to the Committee on Practice. [Rule 10]

(11) *Hearing.* The hearing shall be before the collector. The collector shall designate an officer of his staff to represent the Government at the hearing and shall provide a stenographer to make the stenographic record. The Attorney for the Government, or another attorney designated by the Secretary of the Treasury, shall be present and participate in the presentation of testimony. The accused or his attorney shall have the right to examine all exhibits introduced at the hearing. Pursuant to order of the collector giving due notice to the parties, depositions upon oral or written interrogatories may be taken by either party for use at the hearing before any officer duly authorized to administer oaths for general purposes or in customs matters. [Rule 11]

(12) *Submittals.* After conclusion of the reception of the evidence, the collector shall by rule afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor as contemplated by section 8 (b) of the Administrative Procedure Act. [Rule 12]

(13) *Decision by the collector.* After compliance with subparagraph (12) of this paragraph the collector shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The collector shall recommend to the Secretary the dismissal of the charges when in his opinion the charges have not been proved. The collector shall recommend to the Secretary that the license be suspended or revoked if in the opinion of the collector such action is warranted by the record. The collector's decision shall conform with the requirements of section 8 of the Administrative Procedure Act. [Rule 13]

(14) *Decision by Secretary of the Treasury.* Upon receipt of the record the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submittals as may then be required by section 8 (b) of the Administrative Procedure Act and by the circumstances of the case. Thereafter the Secretary of the Treasury will make his decision. [Rule 14]

(15) *Dismissal subject to new proceedings.* If the evidence at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, the Secretary is authorized to instruct the collector to file appropriate charges as a basis for new proceedings. [Rule 15]

(16) *Immaterial mistakes.* The deciding officer shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the accused's conduct, or any other immaterial mistake in the statement of charges. [Rule 16]

(17) *Proof partial.* If the deciding officer finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, he may base his decision on any facts established by the evidence which are grounds for suspension or revocation of the license and which are substantially charged by the said residue of the statement of charges. [Rule 17]

(18) *Default.* No decision by default shall be made against an accused broker except upon evidence submitted on behalf of the Government. [Rule 18]

(19) *Notice of suspension or revocation.* If the Secretary of the Treasury in the exercise of his discretion issues his order of suspension or revocation of the license of the accused, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Except as provided in § 11.13, such person will not thereafter be recognized as a customhouse broker during the period of suspension or revocation of his license. [Rule 19]

(20) *Reopening.* Any customhouse broker who has been suspended or whose license has been revoked may make written application to the collector to have the order of suspension or revocation set aside or modified upon the ground (i) of newly discovered evidence, or (ii) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every such application shall be filed with the collector in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the collector after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, he shall so recommend to the Secretary, who may order the taking of additional testimony before the collector. The collector shall set a time and place for such hearing, and give due notice thereof to the applicant. The procedures governing the hearing and decision will be the

same as those governing the original proceeding. [Rule 20]

(21) *Notice of reinstatement.* In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or revocation, notice thereof shall be given to all those to whom notice of the original order of suspension or revocation was sent. [Rule 21]

(22) *Saving provision.* The provisions of this section that were in force and effect April 30, 1947 are referred to in this subparagraph as the old rules. The provisions of this section as amended effective May 1, 1947 are referred to in this subparagraph as the new rules. The old rules shall continue to govern any proceeding that was instituted prior to April 30, 1947: *Provided, however,* That if in the course of the proceeding there is taken any action that is authorized by the old rules but that is not authorized by the new rules, said action shall not constitute grounds for disturbing any order thereafter made in the proceeding: (i) unless it is shown that the action was in derogation of substantive rights, and not merely procedural rights; and (ii) unless upon occurrence of the action the respondent made timely objection supported by his reasons, and the objection was overruled: *Provided further* That adherence may be had to the new rules pursuant to stipulation of the parties. [Rule 22]

2. These amendments shall take effect on May 1, 1947.

(Sec. 641, 46 Stat. 759, secs. 3-5, 49 Stat. 864, 865; Pub. Law 404, 79th Cong., 60 Stat. 238; 19 U. S. C. 1641)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-3848; Filed, Apr. 24, 1947; 8:49 a. m.]

## Chapter II—Fiscal Service, Department of the Treasury

### Subchapter A—Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1947, 16th Supp.]

## PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

### INSURANCE COMPANY OF NORTH AMERICA

APRIL 21, 1947.

A certificate of authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the act of Congress approved March 23, 1910, 36 Stat. 241 (6 U. S. C. 6-13), as an acceptable reinsuring company only, on Federal bonds. An underwriting limitation of \$12,035,000.00 has been established for the company.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by adding the following company:

*Name of Company, Location of Principal Executive Office and State in Which Incorporated*

Insurance Company of North America, Philadelphia, Pennsylvania.

(28 Stat. 279-80, 36 Stat. 241, 6 U. S. C. 6-13)

[SEAL] E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-3915; Filed, Apr. 24, 1947; 8:53 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of Temporary Controls, Office of the Administrator

#### TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and transfer of certain of its functions to the Secretary of Agriculture, the Secretary of Commerce, the Housing Expediter, and the Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

### Chapter VIII—Office of International Trade, Department of Commerce

#### RESTRICTIONS ON EXPORTS OF SUGAR

CROSS REFERENCE: For superseding of the Export Control Regulations relating to sugar, sirup and molasses, including blackstrap, and sugar-containing products by regulations of the Production and Marketing Administration, Department of Agriculture, see Federal Register Document 47-3910, Title 7, Chapter VIII, Part 803, *supra*.

### Chapter IX—Office of Temporary Controls, Civilian Production Administration

#### TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to the Secretary of Commerce, see Executive Order 9841, *supra*.

### Chapter XI—Office of Temporary Controls, Office of Price Administration

#### TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to the Secretary of Agriculture, the Housing Expediter and Reconstruction Finance Corporation, see Executive Order 9841, *supra*.

### Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

#### TERMINATION OF OFFICE OF TEMPORARY CONTROLS AND TRANSFER OF CERTAIN FUNCTIONS

CROSS REFERENCE: For the termination of the Office of Temporary Controls and the transfer of certain of its functions to Reconstruction Finance Corporation with respect to subsidies, see Executive Order 9841, *supra*.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, War Department

#### PART 203—BRIDGE REGULATIONS

DRAWBRIDGES ACROSS TURNER CREEK, TYBEE (BULL) RIVER, AND LAZARETTO CREEK, GEORGIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.404 is hereby prescribed to govern the operation of drawbridges of the State Highway Department of Georgia across Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Georgia.

§ 203.404 *Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Ga., highway bridges on U. S. Highway 80 between Savannah Beach and Thunderbolt, Ga.* (a) The owner or agency controlling the

above-described bridges may keep the drawspans closed to navigation between the hours of 7 a. m. and 10 a. m. and between 4 p. m. and 7 p. m., except on the hour, when the bridges shall be opened to allow all accumulated navigation to pass.

(b) The drawspans shall be opened at any time to allow the passage of a tow, common carrier, or vessel in distress.

(c) The owner of, or agency controlling, the bridges shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can easily be read at any time. [Regs. Apr. 2, 1947 (823.01 Turner Creek, Tybee (Bull) River, and Lazaretto Creek, Ga.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-3908; Filed, Apr. 24, 1947; 8:49 a. m.]

## TITLE 37—PATENTS AND COPYRIGHTS

### Chapter II—Copyright Office, Library of Congress

#### PART 202—PROCLAMATION COPYRIGHT RELATIONS

##### NEW ZEALAND

CROSS REFERENCE: For an addition to the tabulation contained in § 202.1, see Proclamation 2729 under Title 3, *supra*,

extending copyright protection to works of authors who are citizens of New Zealand.

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Reclamation, Department of the Interior

#### PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

OWYHEE PROJECT, OWYHEE AND GEM IRRIGATION DISTRICTS, OREGON-IDAHO AND VALE PROJECT, VALE, OREGON, IRRIGATION DISTRICT

CROSS REFERENCE: For public notice announcing the availability of water for public lands and opening of public lands to entry in Owyhee Project, Owyhee and Gem Irrigation Districts, Oregon-Idaho and Vale Project, Vale, Oregon, Irrigation District, Oregon, see F. R. Docs. 47-3906 and 47-3907 under Department of Interior, Bureau of Reclamation, in Notices section, *infra*.

#### PART 402—ANNUAL WATER CHARGES

DESCHUTES IRRIGATION PROJECT, NORTH UNIT, OREGON AND LUGERT-ALTUS IRRIGATION PROJECT, OKLAHOMA

CROSS REFERENCE: For additions to the tabulation contained in § 402.2 see F. R. Docs. 47-3904 and 47-3905 under Department of Interior, Bureau of Reclamation, in the Notices section, *infra*.

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

##### 17 CFR, Ch. IX

[Docket No. AO-182]

#### HANDLING OF MILK IN TOPEKA, KANS., MARKETING AREA

##### NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159) notice is hereby given of a public hearing to be held in the Federal Building at Topeka, Kansas, beginning at 10 a. m., c. s. t., May 12, 1947, with respect to a proposed marketing agreement and order regulating the handling of milk in the Topeka, Kansas, marketing area. The proposed marketing agreement and order has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to eco-

nomic or marketing conditions which relate to the provisions of the proposed marketing agreement and order, or to any modifications thereof, which are hereinafter set forth.

The Shawnee County Milk Producers Association has proposed the following marketing agreement and order:

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U. S. C. 601 et seq.), as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized, to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(c) "Topeka, Kansas, marketing area" hereinafter called "marketing area" means all the territory in Shawnee County, Kansas.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also

a handler, who, under a dairy farm permit or rating issued by the health authorities of the City of Topeka for the production of milk to be used for consumption as milk or cream in the marketing area produces milk which is (1) purchased or received at an approved plant, or (2) caused to be diverted from the farm of such person to an unapproved plant by a cooperative association for the account of such association.

(f) "Handler" means (1) any person who operates an approved plant from which Class I milk or Class II milk is disposed of in the marketing area, or (2) any cooperative association, with respect to the milk of any producer, which such cooperative association causes to be diverted to the plant of a handler or to the plant of a non-handler for the account of such cooperative association.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging and distribution of milk are

the personal enterprise of and at the personal risk of such person in his capacity as a handler. A producer who processes and packages milk of his own production shall not be considered a producer-handler if his entire output is disposed of to other handlers who purchase or receive milk in bulk from producers.

(h) "An approved plant" means any milk plant approved by health authorities of the City of Topeka, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area, and currently used for any or all of the function of receiving, weighing (or measuring) sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

(i) "Producer milk" means all milk produced by a producer other than a producer-handler, which is purchased or received by a handler either directly from such producers or from other handlers.

(j) "Other source milk" means all milk and milk products other than producer milk.

(k) "Market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

(l) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(m) "Cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members and (2) to have and to be exercising full authority in the sale of milk of its members.

**SEC. 2. Market administrator.**—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violation of the provisions hereof; and

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by section 10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions pro-

vided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to section 8; and

(5) Promptly verify the information contained in the reports submitted by handlers.

**SEC. 3. Reports of handlers.**—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content, and the number of days on which milk was received from each producer;

(2) The receipts from such handler's own farm production and the butterfat content;

(3) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content;

(4) The receipts of other source milk;

(5) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to section 4;

(6) The sales of Class I milk and Class II products outside the marketing area, listing the market or area in which such Class I milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk and milk products were supplied; and

(7) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer: (1) The daily and total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payments to such producer with the prices, deduction, and charges involved.

(c) *Reports of producer-handlers and handlers whose sole source of supply is from other handlers.* Producer-handlers and handlers whose sole source of supply is from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each

handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representatives such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

**SEC. 4. Classification of milk.**—(a) *Milk to be classified.* All milk and milk products purchased or received by each handler at his approved plant shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of as milk, skim milk, buttermilk or flavored milk drinks and all milk not classified as Class II milk or Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, used to produce cream which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, creamed cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent of butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk used to produce butter, cheese (other than creamed cottage cheese) evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churns, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers.

(c) *Transfers of milk, skim milk, and cream.* (1) Milk or skim milk sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid milk shall be Class I unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitute such nonhandler's regular source of supply.



If all the above conditions are met the market administrator shall classify such milk as follows: (a) Determine the use of all milk and all milk products received at the plant of such nonhandler, and (b) allocate the milk disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(2) Cream sold or disposed of in fluid form by a handler to a plant of a nonhandler who distributes fluid cream shall be Class II unless all of the following conditions are met: (i) Such nonhandler's plant is located less than 100 miles from the approved plant where such milk was received from producers; (ii) the market administrator is permitted to audit the records of such nonhandler; (iii) the receipts of producer milk at approved plants are greater than the total sales of Class I and Class II milk from handlers' routes in the marketing area; and (iv) such nonhandler receives milk from dairy farmers who the market administrator determines constitutes such nonhandler's regular source of supply.

If all the above conditions are met the market administrator shall classify such milk as follows: (a) Determine the use of all milk and all milk products received at the plant of such nonhandler; and (b) allocate the cream disposed of by the handler to such nonhandler to the highest use remaining after subtracting in series beginning with the highest use classification receipts of milk by such nonhandler direct from dairy farmers.

(3) Milk, skim milk or cream sold or disposed of by a handler to a plant of a nonhandler who does not distribute fluid milk or cream shall be Class III milk.

(4) Milk or skim milk sold or disposed of in fluid form by a handler, who purchases or receives milk from producers to another handler who purchases or receives milk from producers, shall be Class I milk: *Provided*, That if the amount of such milk so sold or disposed of is in excess of the amount classified as Class I at such purchasing handler's plant, such excess milk shall be classified in series beginning with the next highest class in which such purchasing handler has use: *Provided*, That if either or both handlers have purchased other source milk, such milk so sold or disposed of, shall be classified at both plants so as to return the highest class utilization to producer milk: *Provided further*, That the provisions of this paragraph shall apply with respect to the milk of producers which is caused to be diverted by a handler directly from the farms of producers to a plant of a second handler for not more than 5 days during the delivery period.

(5) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler who purchases or receives milk from producers shall be Class II: *Provided*, That if the amount of such cream so sold or disposed of is in excess of the amount classified as Class II in such purchasing handler's plant such excess cream shall be classified in the next highest class in which such purchasing han-

dler has use: *Provided*, That if either or both handlers have purchased other source milk such cream so sold or disposed of shall be classified at both plants so as to return the highest class utilization to producer milk.

(6) Milk or skim milk sold or disposed of in fluid form by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class I milk.

(7) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to a producer-handler or to a handler who purchases or receives no milk from producers shall be Class II milk.

(d) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in paragraph (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(e) *The allocation of other source milk.* Other source milk purchased or received at an approved plant of a handler who purchases or receives milk from producers shall be allocated to Class III except that other source milk may be allocated to Class II to the extent that Class II milk exceeds the amount of all producer milk classified as Class II milk, and other source milk may be allocated to Class I only to the extent that the total amount of Class I milk of the handler exceeds the total amount of producer milk received by such handler.

(f) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator the amount of milk in each class as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: (i) multiply by its average butterfat test the weight of the milk received from (a) producers, (b) own farm production, (c) other handlers, and (d) other sources, and (ii) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subdivisions (ii) of subparagraph (4) and (iv) of subparagraph (5) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided

by 3.8 percent and added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in subdivision (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) Multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, the total pounds of butterfat in Class I milk, computed pursuant to subdivision (ii) of subparagraph (3) of this paragraph, the total pounds of butterfat in Class II milk, computed pursuant to subdivision (ii) of subparagraph (4) of this paragraph and the total pounds of butterfat computed pursuant to subdivision (ii) of this subparagraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat except receipts from other handlers), (iv) add together the results obtained in subdivisions (ii) and (iii) of this paragraph and (v) divide the result obtained in subdivision (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows: (i) Subtract from the total pounds of milk in each class the pounds of producer milk which were received from other handlers and used in such class, (ii) subtract from the remaining pounds of milk in each class the pounds of other source milk allocated to such class pursuant to paragraph (e) of this section.

(g) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to subparagraph (6) of paragraph (f) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to paragraph (c) of section 6 such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to subparagraph (6) of paragraph (f) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to subparagraph (6) of paragraph (f) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk for such handler by subtracting in series be-

ginning with the lowest class use of such handler an amount equal to the difference between receipts of milk from producers and the total utilization of milk by classes for such handler.

**SEC. 5. Minimum prices.**—(a) *Class prices.* Subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in section 11, for milk purchased or received from them not less than the following prices.

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section, plus 75 cents.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to paragraph (b) of this section plus 50 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any of the three following plants: The Jensen Creamery Company at its plant at Topeka, Kansas; The Beatrice Foods Products Company at its plant at Topeka, Kansas; The Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Co., Mt. Pleasant, Mich.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Hudson, Mich.  
Pet Milk Co., Wayland, Mich.  
Pet Milk Co., Coopersville, Mich.  
Borden Co., Greenville, Wis.  
Borden Co., Black Creek, Wis.  
Borden Co., Orfordville, Wis.  
Carnation Co., Chilton, Wis.  
Carnation Co., Berlin, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Oconomowoc, Wis.  
Carnation Co., Jefferson, Wis.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Belleville, Wis.  
Borden Co., New London, Wis.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the following: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject

to the following adjustments: (1) Add  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above  $5\frac{1}{2}$  cents per pound or (2) subtract  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of such dry skim milk is below  $5\frac{1}{2}$  cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event such price shall be subject to the following adjustments: (1) Add  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above  $7\frac{1}{2}$  cents per pound or (2) Subtract  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that such price of dry skim milk is below  $7\frac{1}{2}$  cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

**SEC. 6. Application of provisions.** (a) The provisions of sections 4, 7, 8, 9, and 10 shall not apply to a producer-handler or to a handler whose sole source of supply is from other handlers.

(b) If a handler has purchased or received other source milk the market administrator, in determining the net pool obligation of the handler pursuant to paragraph (a) of section 7 shall consider such milk as Class III milk. If the receiving handler sells or disposes of such milk for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler, and (2) the value at the Class III price. (This provision shall not apply if Association is not in position to supply producers milk.)

(c) If a handler, after subtracting receipts from other handlers and receipts of other source milk, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them the market administrator, in determining the net pool obligation of the handler pursuant

to paragraph (a) of section 7, shall add an amount equal to the value of milk or butterfat according to its utilization by the handler.

(d) *Milk which is caused to be diverted* by a handler directly from producers' farms to an approved plant of another handler for not more than 5 days during any delivery period shall be considered an interhandler transfer of milk, and shall be reported by the handler who caused such milk to be diverted, as though the milk had first been received at such handler's plant.

**SEC. 7. Determination of uniform price to producer.**—(a) *Net pool obligation of handlers.* Subject to the provisions of section 6, the net pool obligation of each handler for milk received during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows:

(1) Multiply the pounds of milk in each class computed pursuant to section 4 by the class prices set forth in section 5 and add together resulting values;

(2) Add, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and deduct if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to paragraph (c) of section 5;

(3) Add an amount equal to the total values pursuant to paragraphs (b) and (c) of section 6; and

(4) Deduct, if the average butterfat content of all milk purchased or received from producers is more than 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to paragraph (c) of section 8.

(b) *Computation and announcement of the uniform price.* The market administrator shall compute and announce the uniform price per hundredweight for milk purchased or received from producers during each delivery period in the following manner:

(1) Combine into one total the net pool obligation computed pursuant to paragraph (a) of this section of all handlers who made the reports prescribed in section 3 and who made the payments prescribed by section 8 for the previous delivery period;

(2) For each of the delivery periods of May, June and July subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purposes specified in subparagraph (2) of paragraph (g) of section 8.

(3) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(4) Divide by a figure equal to the total hundredweight of milk received by handlers from producers and included in these computations;

(5) Subtract from the figure computed pursuant to subparagraph (4) of

this paragraph not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(6) On or before the 8th day after the end of such delivery period, mail to all handlers (i) such of these computations as do not disclose information confidential pursuant to the act; (ii) the uniform price per hundredweight computed pursuant to subparagraph (6) of this paragraph; (iii) the prices for Class I milk, Class II milk, and Class III milk; and the butterfat differentials pursuant to paragraph (c) of section 5 and paragraph (c) of section 8.

**SEC. 8. Payments of milk—(a) Time and method of payment.** On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to paragraph (b) of this section, and subject to the differentials set forth in paragraphs (c) and (d) of this section, shall make payment to producers at the uniform price per hundredweight computed pursuant to paragraph (b) of section 7 for the total quantity of milk received from producers: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) *Half-delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(c) *Butterfat differential.* If during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: Add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the

United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(e) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (h) and (l) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum required to be paid producers pursuant to this section by such handler, and shall enter such amount on such handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(f) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered pursuant to paragraph (e) of this section for such delivery period.

(g) *Payments out of the producer-settlement fund.* (1) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (e) of this section for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(2) On or before the 15th day after the end of each of the delivery periods of October, November and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to subparagraph (2) of paragraph (b) of section 7 by the hundredweight of producer milk received during the delivery involved (October, November or December as above) and apply the resulting amount per hundredweight to the milk of each producer for

such delivery period: *Provided*, That payment under this subsection due any producer who has given authority to a cooperative association which is qualified pursuant to paragraph (b) of section 9 to receive payments for his milk shall be distributed to such cooperative association if such cooperative association requests receipt of such payment.

(h) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (f) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billings, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (g) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

(i) *Statements to producers.* In making payments to producers as prescribed in paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (c) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and section 9 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

**SEC. 9. Marketing service—(a) Deduction for marketing services.** Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer other than himself pursuant to paragraph (a) of section 8, with respect to all milk of each producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the

market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to paragraph (a) of section 8, which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the market administrator for the account of the association of which such producers are members.

SEC. 10. *Expense of administration—*  
(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe.

Copies of this notice of hearing may be procured from Mr. M. M. Morehouse, Market Administrator, 510 Porter Building, 406 W. 34th Street, Kansas City 2, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] E. A. MEYER,  
Assistant Administrator

APRIL 22, 1947.

[F. R. Doc. 47-3933; Filed, Apr. 24, 1947; 8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Ch. I]

#### COMMISSION'S STATEMENT ON MULTIPLE OWNERSHIP RULES

##### NOTICE OF PROPOSED RULE MAKING

APRIL 11, 1947.

The Commission today announced its action on certain applications involving §§ 3.240 and 3.640 of the rules and regulations (FM and Television multiple ownership rules) The Commission's action followed the oral argument held on February 24, 1947 "In the matter of the Rules and Regulations Concerning Multiple Ownership of Broadcast Stations" (Docket No. 8050) (12 F. R. 1111).

The Commission also announced that, as a result of the oral argument and its consideration of the matter, it had determined that the public interest would not be served by adoption of an iron-clad rule defining the extent of overlap of service areas or the degree of common ownership, operation of control that would be deemed to be in contravention of §§ 3.35, 3.240 and 3.640 of the rules and regulations (AM, FM and Tele-

vision multiple ownership rules) On the contrary, the Commission will continue to decide each such case on its own merits, considering all pertinent factors.

In each case the Commission will consider (1) the extent of overlap of service areas, (2) the degree of common ownership, operation and control, and (3) all other pertinent factors, including location of centers of population, distribution of population, other competitive service to the overlap areas and populations, location of trade areas, metropolitan districts, and political boundaries, areas and populations to which services of stations are directed (as indicated by commercial business of stations, news broadcasts, sources of programs and talent, nature of programs, coverage claims, and listening audience) and location of main and secondary studios.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3935; Filed, Apr. 24, 1947; 8:46 a. m.]

### [47 CFR, Ch. I]

[Docket No. 6651<sup>1</sup>]

#### FREQUENCIES FOR VARIOUS CLASSES OF NON-GOVERNMENTAL SERVICES IN THE RADIO SPECTRUM FROM 10 KILOCYCLES TO 30,000,000 KILOCYCLES

##### NOTICE OF PROPOSED RULE MAKING

APRIL 14, 1947.

1. Notice is hereby given of further proceedings in the above-entitled matter involving changes in existing frequency service-allocations.

2. The proposed changes are designed to revise the existing frequency service-allocations to make available for the use of medical diathermy and industrial heating equipment certain additional radio frequency bands. The proposed changes are set forth in Federal Register Document 47-3937, *infra*.

3. These proposed changes are issued under the authority of sections 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed changes should not be adopted in the form set forth may file with the Commission on or before April 30, 1947 fifteen copies of a written statement or brief setting forth his comments. The Commission will consider these written comments before taking any final action regarding the proposed rules; and, if comments are submitted which request or appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given all interested parties.

Approved: April 10, 1947.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3936; Filed, Apr. 24, 1947; 8:46 a. m.]

<sup>1</sup> 12 F. R. 2135.

### [47 CFR, Ch. I]

#### FREQUENCIES FOR INDUSTRIAL, SCIENTIFIC, MEDICAL SERVICE

##### NOTICE OF PROPOSED ALLOCATIONS

APRIL 14, 1947.

The Commission previously has made available the frequencies 13.66, 27.32, 40.93 and 2450 Mc for the industrial, scientific, medical service.<sup>1</sup> The Commission has received testimony and information from representatives of this service substantiating a need for additional frequencies at approximately 3, 6, 500, 1000, 5000, 10000, and 15000 Mc. To satisfy this requirement, the Commission proposes to allocate the frequencies listed in the left column below to the industrial, scientific, medical service. Opposite each frequency is shown the corresponding modification in the table of U. S. service-allocations which also would be made if this proposal is adopted:

Frequency, Mc	Band, Mc	U. S. service-allocation
615	470-630	Broadcasting 470-475 Mc: Facsimile. 475-630 Mc: (a) Facsimile. <sup>2</sup> (b) Developmental broadcasting. (c) Television. <sup>3</sup> 630-650 Mc: Television broadcasting. <sup>4</sup> (a) Broadcasting. <sup>5</sup> (b) Fixed. <sup>6</sup> Fixed: 640-652 Mc: F.M. studio-to-transmitter links. <sup>7</sup> 652-660 Mc: Fixed circuits except common carrier and television STL. <sup>8</sup>

<sup>1</sup> Assignments to this service may be made in any area from 475 Mc progressing upward whenever the band 470-475 Mc is utilized fully in that area.

<sup>2</sup> Assignments to this service may be made in any area whenever the band 630-650 Mc is utilized fully in that area.

<sup>3</sup> Frequencies for experimental television stations may be made available in any area until they are required in that area for television broadcasting.

<sup>4</sup> The frequency 615 Mc is reserved for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 630-640 Mc.

<sup>5</sup> This service recognizes that interference to its operations within this band may result from the emissions on the frequency 615 Mc of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc and exact multiples thereof, and assignments will be made, in any area, progressively upward from 630 Mc.

<sup>6</sup> This service recognizes that interference to its operations within this band may result from the emissions on the frequency 615 Mc of industrial, scientific and medical devices. Separations between assigned frequencies will be 100 kc and exact multiples thereof, and assignments will be made, in any area, progressively downward from 640 Mc. Assignments to F.M. studio-to-transmitter links may be made in any area in this band where insufficient space in that area is available in the band 640-652 Mc.

<sup>7</sup> Separations between assigned frequencies will be 100 kc and exact multiples thereof.

<sup>8</sup> Assignments in any area will be made progressively upward from 640 Mc.

<sup>9</sup> Assignments in any area will be made progressively downward from 650 Mc.

<sup>1</sup> Industrial, scientific, medical service: A service other than a radiocommunication service, for industrial, scientific, or medical uses, which results in the transmission of energy by radio.

## PROPOSED RULE MAKING

Frequency, Mc	Band, Mc	U. S. service-allocation
5850	<sup>10</sup> 5850-5925 5925-7125 7125-8500	Amateur. <sup>11</sup> Non-Government; fixed and mobile. Government; fixed and mobile.

<sup>10</sup> The frequency 5850 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 5775-5925 Mc.

<sup>11</sup> This service recognizes that interference to its operations on frequencies within 75 Mc of 5850 Mc may result from emissions on the frequency 5850 Mc of industrial, scientific and medical devices.

Frequency, Mc	Band, Mc	U. S. service-allocation
10000	<sup>12</sup> 10300-10700 10700-13200 13200-16000	Industrial, scientific, medical. <sup>13</sup> Non-Government; fixed and mobile. Government; fixed and mobile.

<sup>12</sup> The frequency 10000 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 10300-10700 Mc.

<sup>13</sup> Sharing by communications services to be determined at a later date.

Frequency, Mc	Band, Mc	U. S. service-allocation
18000	<sup>14</sup> 16000-21000	(a) Fixed. <sup>15</sup> (b) Mobile. <sup>15</sup> 16000-18000 Mc—Non-Government. 18000-21000 Mc—Government.

<sup>14</sup> The frequency 18000 Mc is designated for the operation of industrial, scientific and medical devices. All emissions must be confined to the band 17850-18150 Mc.

<sup>15</sup> This service recognizes that interference to its operations on frequencies within 150 Mc of 18000 Mc may result from emissions on the frequency 18000 Mc of industrial, scientific and medical devices.

In addition, the Commission expects to assign a specific frequency in the vicinity of 6 Mc for use by the industrial, scientific, medical service subsequent to the forthcoming Radio Administration Conference of the International Telecommunications Union. This frequency would be intended to accommodate all radiating devices used in this service which cannot be adequately shielded and

which require frequencies below 13.66 Mc.

These actions of the Commission, if and when fully implemented, following any oral argument which may be held, and the International Telecommunications Conference, will result in a complete family of frequencies for the industrial, scientific, medical service as follows:

6 Mc±2.5 kc (specific frequency to be announced later)

13.66 Mc±7.5 kc  
27.32 Mc±160 kc  
40.98 Mc±20 kc  
915 Mc±25 Mc  
2450 Mc±50 Mc  
5850 Mc±75 Mc  
10600 Mc±100 Mc  
18000 Mc±150 Mc

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3937; Filed, Apr. 24, 1947;  
8:46 a. m.]

## NOTICES

## TREASURY DEPARTMENT

## United States Coast Guard

[CGFR 47-22]

## APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, 1028, sec. 5 (e), 55 Stat. 244 (46 U. S. C. 367, 375, 391a, 404, 463a, 489, 526-526t, 50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875) the following approvals are prescribed effective upon the date of publication of this document in the FEDERAL REGISTER:

## BUOYANT CUSHIONS FOR MOTORBOATS

Approval No. A-332, standard kapok buoyant cushion, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, submitted by Affiliated Retailers, Inc., 350 Fifth Ave., New York, N. Y., manufactured by The American Pad and Textile Co., Greenfield, Ohio.

Approval No. B-379, 11¼" x 15" x 20¾" x 21" x 2" trapezoidal kapok buoyant cushion, 26 oz. kapok, Dwg. No. NSC-1, dated April 8, 1947, for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, manufactured by Benton Harbor Awning and Tent Co., 136 Territorial Road, Benton Harbor, Mich.

Approval No. B-380, 14" x 18" x 2" rectangular kapok buoyant cushion, 23 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B-381, 16" x 18" x 2" rectangular kapok buoyant cushion, 26 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B-382, 15" x 30" x 2" rectangular kapok buoyant cushion, 40 oz. kapok, Dwg. No. 4016, dated March 30, 1947; Approval No. B-383, 14" x 25" x 2" rectangular kapok buoyant cushion, 31½ oz. kapok, Dwg. No. 4017, dated

April 1, 1947; Approval No. B-384, 16" x 25" x 2" rectangular kapok buoyant cushion, 36 oz. kapok, Dwg. No. 4017, dated April 1, 1947; Approval No. B-385, 15" x 26" x 2" rectangular kapok buoyant cushion, 35 oz. kapok, Dwg. No. 4017, dated April 1, 1947; for use on motorboats of Classes A, 1, and 2 not carrying passengers for hire; manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Approval No. B-386, 14" x 18" x 2" rectangular buoyant cushion, 20 oz. kapok, The American Pad and Textile Co. Dwg. No. B-66, dated February 23, 1946, for use on motorboats of Classes A, 1 and 2 not carrying passengers for hire, submitted by Affiliated Retailers, Inc., 350 Fifth Ave., New York, N. Y., and manufactured by The American Pad and Textile Co., Greenfield, Ohio.

## GAS MASKS

Bullard "Multi-Gas" universal gas mask, Dwg. No. 72-1, dated February 9, 1947, Bureau of Mines Approval No. 1439, consisting of BM-1439 canister, BM-1432 timer, BM-1439 harness, and BM-1419 facepiece, manufactured by E. D. Bullard Company, 275 Eighth Street, San Francisco 3, Calif.

Bullard "Smoke-Eater" universal gas mask, Dwg. No. 72-1, dated February 9, 1947, Bureau of Mines Approval No. 1440, consisting of BM-1440 canister, BM-1432 timer, BM-1439 harness, and BM-1419 facepiece, manufactured by E. D. Bullard Company, 275 Eighth Street, San Francisco 3, Calif.

Dated: April 21, 1947.

[SEAL] J. F. FARLEY,  
Admiral, U. S. Coast Guard,  
Commandant.

[F. R. Doc. 47-3950; Filed, Apr. 24, 1947;  
8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Reclamation

[No. 2]

DESCHUTES IRRIGATION PROJECT, NORTH UNIT, OREGON

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

APRIL 4, 1947.

1. I have determined that it is not possible, because construction work is not sufficiently advanced, to promulgate during the year 1947 any of the notices of construction charges contemplated in article 16 of the contract between the United States and the Jefferson Water Conservancy District of January 4, 1938, as amended by the contract of September 5, 1945.

2. *Water rental.* Pursuant to article 34 of the contract of January 4, 1938, irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1947 to the irrigable lands generally described below and shown on maps available upon request to the Construction Engineer, Bend, Oregon:

(a) To lands which can be served by turnouts from the main canal, laterals, or sublaterals up to mile 43.9 of the main canal, which is the location of the turnout to lateral M-43, for which area construction of the canals and laterals has been completed.

(b) Where the progress of construction will permit, to lands which can be served by turnouts from the main canal, laterals, or sublaterals beyond mile 43.9 of the main canal, for which area construction of canals and laterals may be completed for delivery of irrigation water during a part of the irrigation season of 1947.



**3. Charges and terms of payment.** The minimum water rental charge shall be \$2.00 per irrigable acre for each irrigable acre of the 40-acre legal subdivision for which water service is requested, payment of which will entitle the water user to 1½ acre-feet of water per irrigable acre, except that where a farm contains less than a 40-acre legal subdivision the minimum charge shall be based on the irrigable area in the entire farm; however, for lands described in paragraph 2 (b) above for which water may be first available in 1947 the minimum charge shall be paid for each irrigable acre of land for which water service is requested. Additional water, if available, will be furnished during the irrigation season at the rate of \$1.50 per acre-foot, but not to exceed a total of 2½ acre-feet of water will be furnished for each acre for which water service is requested. All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the turnout or weir nearest to the individual farm, topographic conditions considered.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts of Congress amendatory thereof or supplementary thereto, and who have duly complied with the requirements of the contract of January 4, 1938, as amended, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in article 31 of said contract;

(b) The execution and delivery of an application and affidavit for water service, as provided for in article 31 of said contract; and

(c) The execution and delivery of a valid recordable contract, in the case of ownership of excess land, as provided for in article 32 of said contract.

The recordable contracts under (a) and (c) hereof may be combined into one contract.

6. Applications for water on the basis of this announcement will be received at the office of the Secretary of the Jefferson Water Conservancy District at Madras, Oregon, and payments will be made to that office in advance of the delivery of water.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

MICHAEL W. STRAUS,  
Commissioner

[F. R. Doc. 47-3904; Filed, Apr. 24, 1947;  
8:48 a. m.]

[No. 2]  
LUGERT-ALTUS IRRIGATION PROJECT,  
OKLAHOMA

ANNOUNCEMENT OF ANNUAL WATER RENTAL  
CHARGES

APRIL 9, 1947.

1. I have determined that it is not possible, because construction work is not sufficiently advanced, to promulgate during the year 1947 any of the notices of construction charges contemplated in article 7 of the contract between the United States and the Lugert-Altus Irrigation District dated January 12, 1942.

2. **Water rental.** Pursuant to article 9 of the contract of January 12, 1942, irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1947, where the progress of construction will permit, to the irrigable lands in the Lugert-Altus Irrigation District described below:

**Water to be furnished beginning about May 1, 1947.** Generally described as the area served from the Altus Canal and Altus Laterals 2.3 to 11.1, inclusive, and City Pipeline and City Laterals, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

- T. 2 N., R. 20 W.  
Sec. 5, SW¼.  
Secs. 6 and 7;  
Sec. 8, NW¼, NW¼SW¼, and NE¼.  
T. 2 N., R. 21 W.,  
Secs. 1 and 2;  
Sec. 12, E½ and NW¼.  
Sec. 13, S½ and NE¼.  
Sec. 14, NW¼ and SE¼.  
Sec. 23, E½.  
Sec. 24;  
Sec. 25, lying west of S. L.-S. F. Ry.;  
Sec. 28;  
Sec. 35, NE¼ lying west of S. L.-S. F. Ry.  
T. 3 N., R. 20 W.,  
Sec. 5;  
Sec. 6, SE¼, S½NE¼, and SW¼.  
Sec. 7, N½.  
Sec. 8, N½.  
Sec. 19, S½.  
Sec. 30, W½ and NE¼.  
Sec. 31, E½ and N½NW¼.  
T. 3 N., R. 21 W.,  
Sec. 12;  
Sec. 13, E½.  
Sec. 23, SE¼.  
Sec. 24, S½.  
Sec. 25, N½.  
Sec. 26, S½ and NE¼.  
Sec. 35, E½ and SW¼.  
Sec. 36.  
T. 4 N., R. 20 W.,  
Sec. 8, W½.  
Sec. 17, W½.  
Sec. 20, W½.  
Secs. 29 and 32.

**Water to be furnished beginning about July 1, 1947** Generally described as the area served from the West Canal, West Canal Laterals and Blair Lateral, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

- T. 3 N., R. 20 W.,  
Sec. 6, NW¼ and N½NE¼.

- T. 3 N., R. 21 W.,  
Secs. 1 and 2;  
Sec. 3, N½ and SE¼.  
Sec. 10, N½NE¼.  
Sec. 11;  
Sec. 13, W½.  
Sec. 14;  
Sec. 15, SW¼, S½NW¼, and NW¼NW¼.  
Sec. 16, E½.  
Sec. 21, E½.  
Sec. 22;  
Sec. 23, N½ and SW¼;  
Sec. 26, NE¼ and NW¼.  
Sec. 27, NW¼.  
Sec. 23, E½NE¼.  
T. 4 N., R. 20 W.,  
Sec. 18, NE¼ and SW¼.  
Secs. 19, 30, and 31.  
T. 4 N., R. 21 W.,  
Sec. 11;  
Sec. 15, SW¼.  
Sec. 16, SE¼.  
Sec. 17, NW¼.  
Sec. 18, E½ and E½NW¼.  
Secs. 20, 21, and 22;  
Sec. 24, SE¼ and S½NE¼.  
Sec. 25, S½SE¼;  
Sec. 27, W½ and SE¼.  
Sec. 28, SE¼ and NW¼.  
Sec. 29, N½.  
Sec. 33, E½.  
Secs. 34, 35, and 36.

**3. Charges and terms of payment.** The water rental charge shall be \$4.00 per acre-foot for each acre-foot of water requested. No application for the initial delivery of less than five acre-feet of water for each ownership will be received by the District. All charges shall be payable by the District to the United States in advance of the delivery of water.

4. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

5. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of January 12, 1942, between the United States and the District, including:

(a) The execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 27 and 29 (b) of said contract.

6. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Lugert-Altus Irrigation District, Altus, Oklahoma. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Altus, Oklahoma.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

WILLIAM E. WARNE,  
Assistant Commissioner.

[F. R. Doc. 47-3905; Filed, Apr. 24, 1947;  
8:48 a. m.]

## [Public Notice 25]

OWYHEE PROJECT, OWYHEE AND GEM  
IRRIGATION DISTRICTS—OREGON-IDAHOPUBLIC NOTICE OPENING PUBLIC LAND TO  
ENTRY AND ANNOUNCING AVAILABILITY OF  
WATER

APRIL 8, 1947.

1. *Public land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be furnished in the irrigation season of 1947 and thereafter until further notice, and beginning on June 2, 1947, entry may be made in accordance with this notice for the following described public lands in the Owyhee Project, in Oregon and Idaho, as shown on farm unit plats of:

SUCCOR CREEK DIVISION, OWYHEE PROJECT,  
WILLAMETTE MERIDIAN, OREG.

Township 21 South, Range 46 East

Order of unit in drawing	Section	Farm unit	Description	Total irrigable acres
1	34	O	W $\frac{1}{2}$ NW $\frac{1}{4}$ -----	41

Township 22 South, Range 46 East

2	27	B	N $\frac{1}{2}$ N $\frac{1}{2}$ -----	51
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BOISE MERIDIAN, IDAHO

Township 4 North, Range 5 West

3	19	A	N $\frac{1}{2}$ SE $\frac{1}{4}$ -----	46
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The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon; the Irrigation Manager, Bureau of Reclamation, Nyssa, Oregon; the District Office, Bureau of Reclamation, 214 Broadway, Boise, Idaho, and in the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho, where they may be examined by any person desiring to make application hereunder.

2. *Preference rights to honorably discharged veterans of World War II—(a) Nature of preference.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747) as amended June 25, 1946 (Pub. Law No. 440, 79th Cong.) for a period of 90 days from the opening of these lands to entry or until September 2, 1947, the lands described in paragraph 1 above will be open to entry only by persons who have served or may serve not less than 90 days in the Army, Navy, Marine Corps or Coast Guard of the United States in World War II, and are honorably separated or discharged therefrom: *Provided, however* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry experience, character, capital and physical fitness required of all applicants under this notice. This right extends to the widow of a veteran of World War II, and to the guardian of his or her minor

orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *Definition of honorable discharge.* An honorable discharge, within the meaning of the act of September 27, 1944, shall mean:

(1) Separation from the service by means of an honorable discharge or a discharge under honorable conditions.

(2) Transfer from active duty to a reserve or retired status.

(3) End of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proofs of veteran status.* An applicant who claims a preference right on account of service in the armed forces of the United States must attach to the application a photostatic copy of both sides of his or her discharge papers, a certified copy of his or her recorded discharge papers, or an affidavit which states the applicant's time of service, the unit of which he or she was a member, the date of honorable discharge and the fact that he or she did not refuse to wear the uniform of such service or to perform the duties thereof.

3. *Qualifications required by the reclamation laws.* Pursuant to the provisions of subsection 4C of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433) the following are established as minimum qualifications, which, in the opinion of the local examining board, are necessary to insure the success of an entryman or entrywoman on a reclamation farm unit. Applicants must meet these qualifications as determined by the examining board, in order to be considered for entry, and failure to meet them in all respects will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the minimum required.

(a) *Character and industry.* Each applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the Farm Application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and are willing and able to disclose full information relative to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each applicant must be in such physical condition as will enable him or her to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each applicant must have had at least two years' full-time farm experience acquired after the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of re-

sponsible technical work in agriculture which, in the opinion of the examining board, may contribute toward knowledge of the successful operation of a farm may be credited as one year of farm experience. No more than one year's experience may be credited from such courses. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a Vocational Agriculture teacher, county agent, County Farmers Home Administration supervisor, Production and Marketing Administration chairman, an officer of any local farm organization or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction. Women applicants should describe fully the farm activities in which they have participated and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each applicant must possess at least \$3,000 in operating capital or equivalent property, such as livestock and farm machinery, or adequate credit. Credit must be evidenced by a certified statement from the credit source, indicating the amount to be loaned and the terms of the loan. Credit will be regarded as adequate if the terms of repayment, in the opinion of the board, will not interfere with the development of a farm unit.

In addition, in order to be qualified for entry on project lands, applicants must not own or hold within any Federal Reclamation Project irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land ownership will be made to determine eligibility of applicants before awards of farm units are made.

4. *Qualifications required by homestead laws.* The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be 21 years of age or the head of a family, and entrywomen must be 21 years of age and the head of a family. The act of June 25, 1946, removes the age requirement for both men and women who are veterans, but does not affect the homestead requirement that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (with certain exceptions)

(d) Must not have exhausted the right to make homestead entry on public land by prior exercise of this right. Complete information concerning qualifications for homesteading may be obtained from the District Land Office at The Dalles, Oregon, and at Blackfoot, Idaho, or the Bureau of Land Management, Washington 25, D. C.

5. *When and how to apply for a farm unit*—(a) *Application blanks*. Any person desiring to acquire any of the public land farm units described in this notice must fill out the attached Farm Application blank. Additional application blanks may be obtained from the Owyhee Project Office, Nyssa, Oregon; the Vale Project Office, Vale, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the Farm Application blank, except that preference of farm units should not be listed.

(b) *Filing of application and proofs*. An application for a farm unit listed in this notice, together with proofs of veteran status and farm experience and married women's proofs of their status as the heads of families, must be filed with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, either in person or by mail. No advantage will accrue to an applicant who presents his or her application in person.

(c) *Priority of applications*. All applications received prior to 2:00 p. m., June 2, 1947, will be held and treated as filed simultaneously, except that applications of persons who do not establish their eligibility for veterans' preference, as outlined in paragraph 2 of this notice, will be set aside and will not be considered until September 2, 1947. Applications received after 2:00 p. m., June 2, 1947, from persons eligible to receive veterans' preference will be considered in the order filed if there are any farm units still available. If any farm units are still available on September 2, 1947, all applications from persons not eligible to receive veterans' preference which have been received up to that time will be considered as filed simultaneously in the awarding of any remaining farm units.

6. *Selection of qualified applicants*—(a) *Examining board*. An Examining Board of three members, including the Superintendent of the Vale Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Owyhee Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in paragraph 3 above. Any falsification or misrepresentation made or discovered at any time will cause an application to be rejected.

(b) *Basis of examination*. The eligibility for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924, will be determined by the examining board. Applicants will be judged on the basis of character, industry, farming experience and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the board, possess the health and vigor to engage in farm work.

(c) *Procedure*—(1) *Preliminary examination*. If an applicant fails to make

a prima facie case; that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of examiners of such rejection by registered mail, with return receipt requested, and of the right to appeal in writing to the Regional Director within ten (10) days from receipt of such notification. All appeals shall be filed within ten (10) days of the receipt of such notice with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, who will forward them to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board of examiners for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application.

(2) *Selection of applicants*. After the expiration of the appeal period fixed by the above-mentioned notices and after the Regional Director has decided such appeals, the board shall select the successful applicants in the following manner: From the names of all qualified applicants in the group whose applications were considered as filed simultaneously, the board shall draw nine (9) names or three times as many as the number of farm units available. These applicants will be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be ground for disqualification. The examining board may, in its discretion, request any applicant to appear for a personal interview. Should any applicant so requested fail to appear for examination, his or her application will receive no further consideration at that time. Should such applicant appear later, his or her application may be placed at the bottom of the list of the nine (9) applicants whose names were drawn by the board.

(3) *Disqualification and appeals*. The board shall notify applicants from among the group of nine (9) who are disqualified as a result of the investigations of the board of such disqualification and the reasons therefor, and of the right of appeal to the Regional Director within ten (10) days from receipt of such notice, by registered mail with return receipt requested.

(d) *Award of farm units*. After the expiration of the appeal period and after the Regional Director has decided the appeals from the action of the board, the board shall award farm units in the order listed in this public notice to the first three qualified applicants who have been selected in the order drawn, without regard to preference as to units. Other applicants will retain their places in the order drawn and will be awarded such farm units as may become available in the event any of the original applicants to whom the units were awarded fail to complete their entries. An alternate will become ineligible for further consideration after having been offered right of entry to a single farm unit. In the event that there are farm units to be awarded after all applications that were filed simultaneously

have been considered, consideration will be given to applications of other eligible veterans, in the order filed, as indicated in paragraph 5 (c) above. Farm units not awarded before September 2, 1947, will be open to entry to qualified applicants without regard to veterans' preference, in accordance with the procedure established by this public notice.

(e) *Notification to applicants*. Immediately after the selection of the three successful applicants, the board shall notify each of the other applicants, by registered mail with return receipt requested, of his or her standing as an alternate or otherwise and of the circumstances under which the applications must be rejected.

7. *Notification of selection of applicants and acceptance of farm units*. After the completion of the selection process and the determination of all appeals, the Board shall notify each of the three selected applicants, by registered mail with return receipt requested, that he or she has been awarded a farm unit. With such notice the board shall enclose a form for formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon, within ten (10) days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance executed by the applicant and the payment of the construction charge instalments as required in paragraph 9 (a) of this public notice before the expiration of the said 10-day period, the Secretary of the board shall furnish each such applicant by registered mail, unless delivery is made in person, a certificate, stating that his or her qualifications to enter public lands, as required by subsection 4C of the act of December 5, 1924, have been passed upon and approved by the board. Such certificate, a copy of which will be forwarded by the secretary of the board to the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho, immediately upon its issuance, must be attached by the applicant to his or her homestead application when such application is filed at the Land Office at The Dalles, Oregon, or the Land Office at Blackfoot, Idaho. Such homestead application must be made within twenty (20) days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

8. *Warning against unlawful settlement*. No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however*, That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

9. *Irrigation charges*—(a) *Construction*. The total construction charges payable to the United States for the entire Owyhee Project are presently estimated to be \$18,825,000. The average estimated construction charge per irriga-

ble acre is \$186. Under existing contractual arrangements with the Owyhee and Gem Irrigation Districts, the construction charges payable to the United States on the irrigable lands in the districts during the years 1946, 1947, 1948 and 1949 will be \$2.00 per irrigable acre per year, payable in two semi-annual installments beginning on December 31, 1946, and July 1, 1947. The remainder of the construction charges will be payable in accordance with the contract arrangements with the districts. The applicants to whom the farm units are awarded must pay the semi-annual construction charge installments otherwise due on December 31, 1946, and July 1, 1947, to the Project Superintendent prior to issuance of the certificate of eligibility by the Secretary of the examining board. When entries have been completed, the Project Superintendent will pay to the Owyhee and Gem Irrigation Districts the construction charge installments received from the applicants. In the event that an applicant fails to complete homestead entry, any moneys paid to the United States on account of construction charges as herein specified shall be returned to the applicant.

(b) *Operation and maintenance.* In addition to the payment of construction charges as required by the existing repayment contracts, the entrymen, to be entitled to water, must pay operation and maintenance charges levied by the District in which the land is situated. The minimum charge per irrigable acre, whether water is used or not, has been fixed at \$2.70, exclusive of any amounts that may be added by the District for its own purposes.

(c) *Amount of water and charges.* Payment of construction charges due and the operation and maintenance charges levied by the District will entitle the entryman to delivery of not more than four (4) acre-feet of water per irrigable acre in the 1947 season. Water in excess of this amount will be furnished to water users during the 1947 irrigation season at not less than eighty-four cents (\$0.84) per acre-foot or fraction thereof, and water users shall be required to make advance payment for such additional water to the districts or to make arrangements for such payment that are satisfactory to the districts and in accordance with legal requirements. The minimum charges for operation and maintenance and maximum of water deliverable therefor and charges for excess water in subsequent years through 1949 are to be determined as provided in the Notice of Availability of February 19, 1946.

10. *Contracts with irrigation districts and recordable agreement.* The lands covered by this notice are included in the Owyhee Irrigation District and the Gem Irrigation District, which districts are bound under contracts dated October 14, 1926, as amended by the contracts of March 15, 1936, and the Public Notice of availability of water dated February 19, 1946, copies of which are available for inspection in the project offices at Nyssa, Oregon, and Homedale, Idaho, to pay all charges due to the United States from the districts and to

collect the necessary funds for that purpose from the landowners and entrymen of the district by the levy of assessments or the collection of toll charges. The first two semi-annual construction charge installments paid by the applicants will be credited in the same manner as if paid at the regular time for payment. Each applicant for entry, in order to receive water, will also be required to execute and deliver a recordable contract as required under article 41 of the said contracts of October 14, 1926. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation. It provides that in case of the sale of project land by an entryman or landowner, a portion of the sale price over and above the appraised value, as set by a board, without increment on account of the construction of the irrigation project works, shall be applied on the construction charge against the land which is being sold.) Each applicant for entry, in paying the first two semi-annual construction charge installments shall be deemed to have agreed to be bound by the provisions of the said contracts with the Owyhee Irrigation District and the Gem Irrigation District, dated October 14, 1926, as amended and supplemented.

11. *Reservation of rights of way for County, State and Federal Highways and access roads.* Rights of way are reserved for county, state and federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats, said rights of way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for state and federal highways.

12. *Reservation of rights of way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.* Rights of way are reserved for government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Secretary reserves the right to locate such other government-owned facilities over and across the farm units above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

13. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries canceled.

14. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and rough-

ing in of farm irrigation and surface drainage systems beyond the farm turnout.

15. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., September 2, 1947, the lands so relinquished shall be subject to entry in accordance with the procedure described in paragraph 6 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., September 2, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm units shall be determined in accordance with the procedure described in paragraph 6 of this notice.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior

APPLICANTS FOR HOMESTEADS ON OWYHEE  
PROJECT, OREGON AND IDAHO

#### LOCATION

1. The farm units opened for homesteads by Public Notice No. 25 may be readily located with the use of the farm unit location map attached to the public notice.

#### PERSONAL INQUIRIES

2. Personal inquiries with respect to this public land opening may be made at the Superintendent's office, Bureau of Reclamation, Vale, Oregon.

#### LODGING

3. Government lodging is not available for visitors at Vale. Visitors should make reservations for lodging at local hotels in Vale, Ontario, or Nyssa, Oregon.

#### FORMS REQUIRED

4. Applications with all substantiating data should be mailed to the Superintendent, Bureau of Reclamation, Vale, Oregon. (Caution: It is of utmost importance that all the required forms be completely and accurately filled out and attached to the application. Failure to do so may disqualify the applicant.)

5. If you are claiming veteran preference, be sure to submit a photostatic, certified, or authenticated copy of your discharge or certificate of service.

6. If physically handicapped or afflicted, submit a detailed statement by an examining physician which defines your limitations because of the disability.

7. Attach to your application the signed statement of three agricultural leaders, setting forth the place, period, and years in which you received farming experience.

8. Be sure to list the names and addresses of three responsible individuals who are willing and able to disclose full information with respect to your character and industry as required in paragraph 17 of the application.

9. If you list credit as partial fulfillment of the capital requirement, be sure you attach to your application a certified statement from

the credit source indicating the amount and terms of the loan available to you.

10. Married entrywomen must be heads of families to be eligible. Proof of such status must be returned with the application.

#### SETTLER ASSISTANCE

11. The Bureau of Reclamation and Oregon State College Extension Service will provide technical assistance to settlers in becoming familiar with local agricultural practices and in planning and laying out the farm fields and irrigation systems.

#### TIME LIMIT

12. Applications received prior to 2:00 p. m., June 2, 1947, will be considered as simultaneously filed. Applications received the last week of the filing period will delay the public land opening; therefore, the completed application and substantiating evidence should be mailed at the earliest possible moment. You will be notified of action taken by the Board and of the award of a farm unit if your name is drawn and you are found to be qualified.

[F. R. Doc. 47-3906; Filed, Apr. 24, 1947; 8:43 a. m.]

#### [Public Notice No. 9]

#### VALE PROJECT, VALE, OREGON, IRRIGATION DISTRICT

#### PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER

APRIL 8, 1947.

1. *Public Land for which water is available and for which entry may be made.* In pursuance of the act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be furnished in the irrigation season of 1947 and thereafter until further notice, and beginning June 2, 1947, entry may be made in accordance with this notice for the following described public lands in the Vale Project, Oregon, as shown on the farm unit plat of

Township 17 South, Range 44 East,  
Willamette Meridian

Section 22, Farm Unit "D" N $\frac{1}{2}$ W $\frac{1}{4}$ , 55.0 irrigable acres.

The farm unit plat referred to above was approved on April 15, 1936, and is on file in the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon; the District Office, Bureau of Reclamation, 214 Broadway, Boise, Idaho; and in the Land Office at The Dalles, Oregon, where it may be examined by any person desiring to make application therefor. A mess hall formerly used as a part of a CCC camp, BR 45, now located on the farm unit, will not be included in the award of the farm unit and will be removed from the premises by the owner.

2. *Preference rights to honorably discharged veterans of World War II—(a) Nature of preference.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747) as amended June 25, 1946 (Pub. Law No. 440, 79th Cong.) for a period of 90 days from the opening of these lands to entry or until September 2, 1947, the lands described in paragraph 1 above will be open to entry only by persons who have served or may

serve not less than 90 days in the Army, Navy, Marine Corps or Coast Guard of the United States in World War II, and are honorably separated or discharged therefrom: *Provided, however,* That they must be qualified to make entry, under the homestead laws and also possess the qualifications as to industry, experience, character, capital and physical fitness required of all applicants under this notice. This right extends to the widow of a veteran of World War II and to the guardian of his or her minor orphan child or children. The commencement of the United States' participation in World War II shall be deemed, for purposes of this notice, to be December 8, 1941.

(b) *Definition of honorable discharge.* An honorable discharge within the meaning of the act of September 27, 1944, shall mean:

(1) Separation from the service by means of an honorable discharge or a discharge under honorable conditions.

(2) Transfer from active duty to a reserve or retired status.

(3) End of the period of war service by reason of the termination of the war, even though the person remains in the service of the armed forces of the United States.

(c) *Submission of proofs of veteran status.* An applicant who claims a preference right on account of service in the armed forces of the United States must attach to the application a photostatic copy of both sides of his or her discharge papers, a certified copy of his or her recorded discharge papers or an affidavit which states the applicant's time of service, the unit of which he or she was a member, the date of honorable discharge and the fact that he or she did not refuse to wear the uniform of such service or to perform the duties thereof.

3. *Qualifications required by the reclamation law.* Pursuant to the provisions of subsection 4C of the act of December 5, 1924 (43 Stat. 702, 43 U. S. C. 433) the following are established as minimum qualifications, which, in the opinion of the local examining board, are necessary to insure the success of an entryman or entrywoman on a reclamation farm unit. Applicants must meet these qualifications, as determined by the examining board, in order to be considered for entry, and failure to meet them in all respects will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the minimum required:

(a) *Character and industry.* Each applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct and a bona fide intent to engage in farming as an occupation. Persons named as references in paragraph 17 of the Farm Application blank should be responsible individuals (not relatives) who are personally acquainted with the applicant and who are willing and able to disclose full information relative to the applicant's qualifications for entry on a reclamation farm unit.

(b) *Health.* Each applicant must be in such physical condition as will enable him or her to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable should attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(c) *Farm experience.* Each applicant must have had at least two years' full-time farm experience acquired after the age of 15 years. Two years of study in agricultural courses in an accredited agricultural college or two years of responsible technical work in agriculture which in the opinion of the examining board may contribute toward knowledge of the successful operation of a farm may be credited as one year of farm experience. No more than one year's experience may be credited from such sources. No advantage will accrue from farming experience on irrigated land. Applicants must furnish three written statements signed by a Vocational Agriculture teacher, county agent, County Farmers Home Administration supervisor, Production and Marketing Administration chairman, an officer of any local farm organization, or other comparable persons who have personal knowledge of the applicant's farm experience or have verified it to their satisfaction. Women applicants should describe fully the farm activities in which they have participated, and the relation of agricultural courses they have taken to farm operation and management.

(d) *Capital.* Each applicant must possess at least \$3,000 in operating capital or equivalent property such as livestock and farm machinery or adequate credit. Credit must be evidenced by a certified statement from the credit source, indicating the amount to be loaned and the terms of the loan. Credit will be regarded as adequate if the terms of repayment will not, in the opinion of the board, interfere with the development of a farm unit.

In addition, in order to be qualified for entry on project lands, applicants must not own or hold within any Federal Reclamation Project, irrigable land for which construction charges payable to the United States have not been fully paid. Proofs of conformity with this requirement need not be furnished, but a check of project land ownership will be made to determine eligibility of applicants before awards of farm units are made.

4. *Qualifications required by homestead laws.* The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Entrywomen who are married must be heads of families. (Except veterans of World War II, all entrymen must be 21 years of age or the head of a family and entrywomen must be 21 years of age and the head of a family. The act of June 25, 1946, removes the age requirement for both men and women who are veterans, but does not



affect the homestead requirements that entrywomen who are married must be the heads of families.) Proofs of such status must be submitted with the applications of married women.

(c) Must not own more than 160 acres of land in the United States (with certain exceptions)

(d) Must not have exhausted the right to make homestead entry on public land.

Complete information concerning qualifications for homesteading may be obtained from the District Land Office at The Dalles, Oregon, or the Bureau of Land Management, Washington 25, D. C.

5. *When and how to apply for a farm unit*—(a) *Application blanks.* Any person desiring to acquire the public land farm unit described in this notice must fill out the attached Farm Application blank. Additional application blanks may be obtained from the Vale Project office, Vale, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the Farm Application blank.

(b) *Filing of application and proofs.* An application for the farm unit listed in this notice, together with proofs of veteran status and farm experience and married women's proofs of their status as the heads of families, must be filed with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, either in person or by mail. No advantage will accrue to an applicant who presents his or her application in person.

(c) *Priority of applications.* All applications for the farm unit listed in this notice which are received prior to 2:00 p. m., June 2, 1947, will be held and treated as filed simultaneously, except that applications of persons who do not establish their eligibility for veterans' preference, as outlined in paragraph 2 of this notice, will be set aside and will not be considered until September 2, 1947. Applications received after 2:00 p. m., June 2, 1947, from persons eligible to receive veterans' preference, will be considered in the order filed if the farm unit is still available. If the farm unit is still available on September 2, 1947, all applications from persons not eligible to receive veterans' preference which have been received up to that time will be considered as filed simultaneously in the awarding of the farm unit.

6. *Selection of qualified applicants*—(a) *Examining board.* An examining board of three members, including the Superintendent of the Vale Project, who will act as Secretary of the Board, has been approved by the Commissioner of Reclamation to consider the fitness of each applicant to undertake the development and operation of a farm on the Vale Project. Careful investigations will be made to verify the statements and representations made by applicants in order to determine their qualifications as prescribed in paragraph 3 above. Any falsification or misrepresentation made or discovered at any time will cause an application to be rejected.

(b) *Basis of examination.* The examining board will determine the eligibility

for the award of a reclamation farm unit under subsection 4C of the act of December 5, 1924. Applicants will be judged on the basis of character, industry, farming experience and capital. No applicant will be considered eligible who does not qualify in all respects, or who does not, in the opinion of the Board, possess the health and vigor to engage in farm work.

(c) *Procedure*—(1) *Preliminary examination.* If an applicant fails to make a prima facie case, that is, an examination of the application discloses that the applicant is unqualified in respect to the requirements prescribed herein, the application shall be rejected and the applicant notified by the board of examiners of such rejection by registered mail, with return receipt requested, and of the right to appeal in writing to the Regional Director within ten (10) days from the receipt of such notification. All appeals shall be filed within ten (10) days of the receipt of such notice with the Project Superintendent, Bureau of Reclamation, Vale, Oregon, who will forward them to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board of examiners for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application.

(2) *Selection of applicants.* After the expiration of the appeal period fixed by the above-mentioned notices and after the Regional Director has decided such appeals, the Board shall select the successful applicant in the following manner: From the names of all qualified applicants in the group whose applications were considered as filed simultaneously the board shall draw four (4) names or four times as many as the number of farm units available. These applicants will be closely investigated, in the order in which selected, and any falsehood or misrepresentation shall be ground for disqualification. The examining board may, in its discretion, request any applicant to appear for a personal interview. Should any applicant so requested fail to appear for examination, his or her application will receive no further consideration at that time. Should such applicant appear later, his or her application may be placed at the bottom of the list of the four (4) applicants whose names were drawn by the board.

(3) *Disqualification and appeals.* The board shall notify applicants from among the group of four (4) who are disqualified as a result of the investigations of the board of such disqualification and the reasons therefor, and of the right of appeal to the Regional Director within ten (10) days from receipt of such notice, by registered mail with return receipt requested.

(d) *Award of farm units.* After the expiration of the appeal period and after the Regional Director has decided the appeals from the action of the board, the board shall award the farm unit to the qualified applicant whose name was drawn first. Other applicants will retain their places in the order drawn and will be awarded the farm unit if the appli-

cant to whom it was originally awarded or the alternate next in order fails to complete the entry of the land. In the event that the farm unit should not be awarded to any applicant whose application was one of those filed simultaneously, consideration will be given to applications of other eligible veterans, in the order filed, as indicated in paragraph 5 (c) above. If the farm unit is not awarded before September 2, 1947, it will be open to entry to qualified applicants without regard to veterans' preference, in accordance with the procedure established by this public notice.

(e) *Notification to applicants.* Immediately after the selection of the successful applicant, the board shall notify each of the other applicants, by registered mail with return receipt requested, of his or her standing as an alternate or otherwise and of the circumstances under which the applications must be rejected.

7. *Notification of selection of applicants and acceptance of farm units.* After the completion of the selection process and the determination of all appeals, the board shall notify the selected applicant, by registered mail with return receipt requested, that he or she has been awarded the farm unit. With such notice, the board shall enclose a form for formal acceptance of the farm unit awarded. This form must be executed by the applicant and returned to the office of the Project Superintendent, Bureau of Reclamation, Vale, Oregon, within ten (10) days from receipt of the said notice. Upon receipt by the Project Superintendent of the acceptance executed by the applicant, and the payment of the construction charge installments as required in paragraph 9 (a) of this public notice, before the expiration of the said 10-day period, the Secretary of the Board shall furnish such applicant by registered mail, unless delivery is made in person, a certificate, stating that his or her qualifications to enter public lands, as required by subsection 4C of the act of December 5, 1924, have been passed upon and approved by the board. Such certificate, a copy of which will be forwarded by the Secretary of the Board to the local Land Office immediately upon its issuance, must be attached by the applicant to his or her homestead application, when such application is filed at the local Land Office at The Dalles, Oregon. Such homestead application must be made within twenty (20) days from the date of receipt by the applicant of said certificate. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

8. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

9. *Irrigation charges*—(a) *Construction.* Construction charges for the Vale Irrigation District are now estimated at

\$154 per irrigable acre of district lands. Under existing contractual arrangements with the District, the construction charges payable to the United States for and on account of the irrigable lands of the District during the years 1946, 1947, 1948 and 1949 will be \$2.00 per irrigable acre per year, payable in two semi-annual installments beginning December 31, 1946, and July 1, 1947. The remainder of the construction charges will be payable in accordance with contract arrangements with the District. The applicant to whom the farm unit is awarded must pay the semi-annual construction charge installments otherwise due on December 31, 1946, and July 1, 1947, to the Project Superintendent prior to issuance of the certificate of eligibility by the Secretary of the examining board. When entry has been completed, the Project Superintendent will pay to the Vale, Oregon, Irrigation District the construction-charge installments received from the applicant. In the event that an applicant fails to complete homestead entry, any moneys paid to the United on account of construction charges as herein specified shall be refunded to the applicant.

(b) *Operation and maintenance.* Pursuant to article 10 (e) of the contract of October 22, 1926, the operation and maintenance charges payable to the United States for 1947 shall be transferred to and paid as a part of the construction costs. However, the District may levy an assessment against the District lands for operation and maintenance purposes in 1947, and will levy assessments for operation and maintenance costs regularly thereafter as provided in the contract of October 22, 1926. Lands entered pursuant to this notice will be liable for such assessments on the same basis as other lands of the District.

(c) *Amount of water and charges.* During the period of operation of the project by the United States, payment of construction charges and of the annual minimum operation and maintenance charge levied by the District will entitle the entryman to not less than three (3) acre-feet of water per irrigable acre annually. Water in excess of this amount will be delivered at not less than the following rates:

The first acre-foot or fraction thereof at a charge per acre-foot which shall be not less than fifty percent (50%) more than the average charge per acre-foot of water which said land is entitled to secure for the annual minimum operation and maintenance charge; the second acre-foot or fraction thereof and each additional acre-foot at a charge per acre-foot which shall not be less than seventy-five percent (75%) more than the average charge per acre-foot of water which said land is entitled to secure for the annual minimum operation and maintenance charge.

No excess water will be delivered to any farm unit unless advance payment therefor has been made by the water user to the District, or arrangements have been made for payment that are satisfactory to the District and in accordance with legal requirements.

During the period of operation of the project (exclusive of reserved works) by the District, payment of construction charges and of operation and maintenance charges as levied by the District and in accordance with the contract between the District and the United States will be the prerequisite to delivery of water. Fixing of minimum operation and maintenance charges and of the maximum amount of water which can be delivered per irrigable acre and of charges for excess water will then be the responsibility of the District. Lands entered pursuant to this notice will be liable for such charges on the same basis as other lands of the District.

10. *Contract with Vale, Oregon, Irrigation District and recordable agreement.* The lands covered by this notice are included in the Vale, Oregon, Irrigation District, which District agreed under contract dated October 22, 1926, a copy of which is available for inspection in the Project Office, Bureau of Reclamation, Vale, Oregon, to pay all charges due to the United States from the District and to collect the necessary funds for that purpose from the landowners and entrymen of the District by the levy of assessments or the collection of toll charges. The first two semi-annual construction charge installments paid by the applicant will be credited in the same manner as if paid at the regular time for payment. An applicant for entry, in order to receive water, will also be required to execute and deliver a recordable contract as required under article 25 of the said contract of October 22, 1926. (The recordable contract is designed to prevent land speculation based upon increased value of the land resulting from irrigation. It provides that in case of the sale of project land by an entryman or landowner, a portion of the sale price over and above the appraised value, as set by a board, without increment on account of the construction of the irrigation project works, shall be applied on the construction charges against the land which is being sold.) The applicant for entry, in paying the first two semi-annual construction charge installments, shall be deemed to have agreed to be bound by the provisions of the said contract with the Vale, Oregon, Irrigation District dated October 22, 1926.

11. *Reservation of rights of way for County, State and Federal highways and access roads.* Rights of way are reserved for County, State and Federal highways and access roads to the farm unit shown on said plat along section lines and other lines shown in red on the farm plat, said right of way being in general 30 feet in width on each side of said lines for county roads, 20 feet each side of said lines for access roads, and not to exceed 50 feet on each side of said lines for State and Federal highways.

12. *Reservation of rights of way for telephone, electric transmission, water and sewer lines and water-treating and pumping plants.* Rights of way are reserved for government-owned telephone, electric transmission, water and sewer lines and water-treating and pumping plants, as now constructed, and the Sec-

retary reserves the right to locate such other government-owned facilities over and across the farm unit above described, as hereafter in his opinion may be necessary for the proper construction, operation or maintenance of said project.

13. *Waiver of mineral rights.* All homestead entries for the above-described farm unit will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management, otherwise the homestead applications will be rejected or the homestead entry or entries cancelled.

14. *Settler assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases, on a reimbursable basis, in development of farm units, including clearing and rough leveling the land and roughing in of farm irrigation and surface drainage systems beyond the farm turnout.

15. *Effect of relinquishment.* In the event that any entry of public land shall be relinquished prior to 2:00 p. m., September 2, 1947, the lands so relinquished shall be subject to entry in accordance with paragraphs 2 and 6 of this notice. In the event that any entry of public land shall be relinquished subsequent to 2:00 p. m., September 2, 1947, and at any time prior to actual proving up of the land through necessary residence, cultivation and other homestead requirements, the lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office. During the 10-day period next succeeding the expiration of such 60-day period, any person having the necessary qualifications may file application for said public land. If, on the tenth day of said 10-day period, prior to 2:00 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for such farm unit shall be determined in accordance with the procedure described in paragraph 6 of this notice.

C. GERRARD DAVIDSON,  
Assistant Secretary of the Interior.

#### APPLICANTS FOR HOMESTEAD

##### ON

#### VALE PROJECT, OREGON

##### LOCATION

1. The farm unit opened for homestead by Public Notice No. 9 may be readily located with the use of the farm unit location map attached to the public notice.

##### PERSONAL INQUIRIES

2. Personal inquiries with respect to this public land opening may be made at the Superintendent's office, Bureau of Reclamation, Vale, Oregon.

##### LODGING

3. Government lodging is not available for visitors at Vale. Visitors should make reservations for lodging at local hotels in Vale or Ontario, Oregon.

##### FORMS REQUIRED

4. Applications with all substantiating data should be mailed to the Superintendent.

ent, Bureau of Reclamation, Vale, Oregon. (Caution: It is of utmost importance that all the required forms be completely and accurately filled out and attached to the application. Failure to do so may disqualify the applicant.)

5. If you are claiming veteran preference, be sure to submit a photostatic, certified, or authenticated copy of your discharge or certificate of service.

6. If physically handicapped or afflicted, submit a detailed statement of an examining physician which defines your limitations because of the disability.

7. Attach to your application the signed statement of three agricultural leaders, setting forth the place, period, and years in which you received farming experience.

8. Be sure to list the names and addresses of three responsible individuals who are willing and able to disclose full information with respect to your character and industry as required in paragraph 17 of the application.

9. If you list credit as partial fulfillment of the capital requirement, be sure you attach to your application a certified statement from the credit source indicating the amount and terms of the loan available to you.

10. Married entrywomen must be heads of families to be eligible. Proof of such status must be returned with the application.

#### SETTLER ASSISTANCE

11. The Bureau of Reclamation and Oregon State College Extension Service will provide technical assistance to settlers in becoming familiar with local agricultural practices and in planning and laying out the farm fields and irrigation systems.

#### TIME LIMIT

12. Applications received prior to 2:00 p. m., June 2, 1947, will be considered as simultaneously filed. Applications received the last week of the filing period will delay the public land opening; therefore, the completed application and substantiating evidence should be mailed at the earliest possible moment. You will be notified of action taken by the Board and of the award of a farm unit if your name is drawn and you are found to be qualified.

[F. R. Doc. 47-3907; Filed, Apr. 24, 1947; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### SOLUTION TO FM BROADCAST-INSTRUMENT LANDING SYSTEMS INTERFERENCE

#### TEMPORARY CHANGE IN FREQUENCIES

MARCH 28, 1947.

Earlier in the year it was reported to the Commission that interference existed in certain cases between the transmission of FM broadcast stations and the aircraft "Instrument Landing Systems". The cause of this interference appeared to be the use by aircraft of equipment which was designed for the military but which is inadequate for civilian operations. The only equipment now available for the "Instrument Landing Systems" uses this particular surplus military receiver. This matter was referred to the Radio Technical Commission for Aeronautics for investigation. On the 11th of March that body recommended that the frequencies of certain FM stations in the New York area be changed for a temporary period ending March 1, 1948. The reasons for this recommendation were:

1. Because of the large number of aids to air navigation in the New York area, it was impossible to change localizer frequencies to avoid interference.

2. New aviation receiving equipment now in production will be installed by March 1, 1948, and the basic cause of the interference removed.

3. It would take longer to modify existing inadequate aviation equipment than it would to install the new replacement equipment.

In other than the New York area, interference can be avoided by appropriate selection of Instrument Landing and FM frequencies, giving consideration to geographical separation. This need for correlation will disappear on March 1, 1948, with the installation of adequate aircraft receivers.

The Commission has held a series of meetings with the various interests involved and has reached a solution which will be satisfactory to all concerned and will make no change in the service now available to the public. The solution is:

WGYN will occupy channel 251 (98.1 Mc) in lieu of 241 (96.1 Mc)

WNYC will occupy channel 231 (94.1 Mc) in lieu of 237 (95.3 Mc)

WBAM is conducting propagation tests and will not go on its regularly assigned frequency channel 243 (96.5 Mc) until March 1, 1948.

The Commission appreciates the cooperative attitude in which this problem has been approached by all concerned. It wishes to emphasize that in no sense can this interference be charged to improper operation of FM stations or failure in the engineering on the part of the aviation interests. The receiver used on the aircraft was designed to meet a particular military need and was installed aboard commercial aircraft because it was the only receiver in existence available in quantities to make possible the use of Instrument Landing Systems.

In these meetings representatives of both the airlines and the Civil Aeronautics Administration expressed their desire to join with the Commission in its expression of appreciation of the cooperation offered by the FM interests.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3934; Filed, Apr. 24, 1947; 8:46 a. m.]

[Docket Nos. 7338 and 7339]

A. S. ABELL CO. AND BERKS BROADCASTING CO.

#### ORDER CONTINUING HEARING

In re application of A. S. Abell Company, Baltimore, Maryland, File No. BP-4297, Docket No. 7338; Berks Broadcasting Company, Reading, Pennsylvania, File No. BP-4380, Docket No. 7339.

The Commission having under consideration a petition filed April 7, 1947, by A. S. Abell Company, Baltimore, Maryland, and Berks Broadcasting Company, Reading, Pennsylvania, requesting a con-

tinuance in the further hearing upon their applications for construction permits which is presently scheduled for Washington, D. C., commencing April 18, 1947;

*It is ordered*, This 11th day of April 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, May 21, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3945; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket Nos. 7812 and 7416]

KOLA BROADCASTING CO. AND JAMES A. NOE

#### ORDER CONTINUING HEARING

In re applications of Kola Broadcasting Company, a partnership composed of Hugh O. Jones, William E. Jones and Mrs. Sarah Stewart Jones, Opelousas, Louisiana, for construction permit, Docket No. 7812, File No. BP-4917; James A. Noe, Lake Charles, Louisiana, for construction permit, Docket No. 7416, File No. BP-3888.

The Commission having scheduled a consolidated hearing upon the above-entitled applications for 10:00 o'clock a. m., Tuesday, April 15, 1947, at Lake Charles, Louisiana; and

It appearing, that public interest, convenience and necessity would be served by a continuance of said consolidated hearing;

*It is ordered*, This 11th day of April 1947, on the Commission's own motion, that the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Thursday, May 15, 1947, at Lake Charles, Louisiana.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3944; Filed, Apr. 24, 1947; 8:48 a. m.]

[Docket Nos. 7950, 7951, and 8114]

EAST TEXAS BROADCASTING CO. (KGKB)  
ET AL.

#### ORDER ENLARGING ISSUES AND CONTINUING HEARING

In re applications of Jas. G. Ulmer and James G. Ulmer, Jr., doing business as East Texas Broadcasting Company (KGKB) Tyler, Texas, for construction permit, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGKF), Coffeyville, Kansas, for construction permit, Docket No. 7951, File No. BMP-2021, Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, for construction permit, Docket No. 8114, File No. BP-5644.

The Commission having under consideration a petition filed March 27, 1947, by East Texas Broadcasting Company

(KGKB) Tyler, Texas, requesting enlargement of the issues in the consolidated proceeding upon the above-entitled applications, so as to include the following issues:

1. To determine whether the alternative directional antenna pattern for nighttime operation of Station KELD, as set forth in Exhibit 1 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KELD, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KELD, subject to the condition that it use the said alternative pattern.

2. To determine whether the alternative directional antenna pattern for nighttime operation of Station KGKB, as set forth in Exhibit 2 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KGKB, and, if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KGKB, subject to the condition that it use the said alternative pattern.

and an opposition thereto filed April 9, 1947, by Radio Enterprises, Inc. (KELD) El Dorado, Arkansas; and

It appearing, that the opposition of KELD to the KGKB proposal is based on the fact that the proposal is unworkable, and that it forces KELD to serve an area substantially different from that KELD desires to serve; and

It appearing, that the question of the feasibility of the proposal and the change in area to be served by KELD are matters for determination after a hearing; and

It appearing, that the proposal to enlarge the issues is in conformity with the policies outlined in the Commission's Public Notice of January 8, 1947, relative to the Temporary Expediting Procedure; and

It appearing further, that the engineering hearing in the above-entitled proceeding is scheduled for April 16, 1947, at Washington, D. C., and that in the event the petition is granted, counsel for all parties desire a two-week continuance of the hearing for the purpose of making further engineering studies;

It is ordered, This 11th day of April 1947, that the petition be, and it is hereby, granted; and the issues adopted November 7, 1946, January 30, 1947, and February 14, 1947, in the proceeding upon the above-entitled applications, be, and they are hereby, enlarged, to include the following:

1. To determine whether the alternative directional antenna pattern for nighttime operation of Station KELD, as set forth in Exhibit 1 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KELD, and, if so, whether the public interest, convenience and necessity would be served by a grant of the application of said Station KELD, subject to the condition that it use the said alternative pattern.

2. To determine whether the alternative directional antenna pattern for nighttime operation of Station KGKB,

as set forth in Exhibit 2 attached to the petition of KGKB to enlarge issues of hearing, dated March 27, 1947, is suitable for use by said Station KGKB, and if so, whether public interest, convenience and necessity would be served by a grant of the application of said Station KGKB, subject to the condition that it use the said alternative pattern.

It is further ordered, That the further hearing in the above-entitled proceeding, presently scheduled for April 16, 1947, be, and it is hereby, continued to 10:00 o'clock a. m., Monday, May 12, 1947.

Notice is hereby given, that the foregoing action is not to be construed in any way as having the effect of constituting an amendment to any above-entitled application within the meaning of the Commission's rules, regulations and standards.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3943; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Docket No. 7593]

#### RADIO STATION KTBS

##### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Allen D. Morris, P. E. Furlow and George D. Wray, a partnership d/b as Radio Station KTBS, Shreveport, Louisiana, for construction permit; Docket No. 7598, File No. BP-4720.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for an increase in power for standard broadcast station KTBS at Shreveport, Louisiana, to 5 kilowatts, 10 kilowatts local sunset, to change frequency from 1480 kilocycles to 710 kilocycles, to install a new transmitter and to make changes in the antenna system;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and the partners to construct and operate Station KTBS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with Station WHB, Kansas City, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station KTBS as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTBS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That WHB Broadcasting Company, licensee of Station WHB Kansas City, Missouri, be and it is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3942; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Docket Nos. 8276 and 8277]

#### COCONINO BROADCASTING CO. AND GRAND CANYON BROADCASTING CO.

##### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Coconino Broadcasting Company, Flagstaff, Arizona, Docket No. 8276, File No. BP-5667; James L. Stapleton, Jessie Martin and Duard K. Nowlin, d/b as Grand Canyon Broadcasting Company (KWRZ) Flagstaff, Arizona, Docket No. 8277, File No. BP-6004; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits of Coconino Broadcasting Company, filed January 29, 1947, requesting a new standard broadcast station to operate on the frequency 600 kc, with 1 kw power, unlimited time using directional antenna at night, and of Grand Canyon Broadcasting Company, submitted for filing February 6, 1947, permittee of station KWRZ, presently authorized the use of the frequency 1340 kc, requesting the frequency 600 kc, with 1 kw daytime and 250 watts nighttime power (non-directional), and the following related matters:

(1) Petition of Coconino Broadcasting Company requesting that the said application of Grand Canyon Broadcasting Company, since it requests nighttime op-

eration with 250 watts power on a channel for which the minimum power specified by the Commission's rules and regulations (§ 3.22 (c) (2)) is 500 watts, be returned to the applicant as defective under § 1.361 (c) of the rules and regulations;

(2) Request for waiver of § 3.22 (c) (2) filed on March 4, 1947, by Grand Canyon Broadcasting Company to be associated with its said application which, as submitted for filing on February 6, 1947, was not accompanied by such a request; and

(3) Related oppositions filed by the respective parties to the foregoing matters; and

It appearing, that the alleged defect in the said application of Grand Canyon Broadcasting Company involves its request for a nighttime Class IV station (Class III daytime) on a regional channel; that § 3.29 of the Commission's rules specifically authorizes the assignment of a Class IV station to a regional channel on certain conditions; that as a matter of Commission practice and procedure such applications have in the past been accepted for filing without a request for waiver or an affirmative showing in the application that the conditions specified in § 3.29, as implemented in the Standards of Good Engineering Practice, have been complied with; that to adopt a contrary policy at this time would be manifestly unfair and unjust and neither within the spirit or letter of the Commission's public notice of January 24, 1947, concerning the return of defective applications pursuant to established practice; and that § 1.361 (a) of the Commission's rules provides, in effect, that the return of defective applications shall be a matter within the Commission's discretion;

It is ordered, That the said petition of Coconino Broadcasting Company be, and it is hereby, denied; that the said request for waiver of § 3.22 (c) (2), filed by Grand Canyon Broadcasting Company, be, and it is hereby, accepted and associated with that applicant's said application which is hereby accepted for filing; and that the said applications of Coconino Broadcasting Company and Grand Canyon Broadcasting Company (KWRZ) be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate Station KWRZ, as proposed, and of the applicant corporation, its officers, directors and stockholders to construct and operate its proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the proposed nighttime operation of station KWRZ with 250 watts power on the requested frequency of 600 kc would be in compliance with § 3.29 of the Commission's rules and the Standards of Good Engineering Practice relating to the operation of Class IV stations on regional channels.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3938; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Docket Nos. 8289 and 8290]

EVERETT BROADCASTING CO., INC. AND  
SEATTLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Everett Broadcasting Company, Inc., Everett, Washington, File No. BPH-842, Docket No. 8289, Seattle Broadcasting Company, Seattle, Washington, File No. BPH-858, Docket No. 8290; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1947;

The Commission having under consideration the above-entitled applications for construction permits for new class B FM broadcast stations at Everett and Seattle, Washington, respectively.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby designated for a hearing in a consolidated proceeding at a time and place to be specified by a subsequent order of the Commission, each upon the following issues:

1. To determine what overlap of service areas, if any, exists between the proposed station and any other existing or proposed stations owned, operated or controlled by the same interests as the proposed station, and whether such overlap, if any, is in contravention of § 3.240 of the Commission's rules and regulations.

2. To determine which, if either, of the applications in this consolidated proceeding should be granted.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3946; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Docket No. 8300]

GIDDENS & RESTER (WKRK)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kenneth R. Giddens & T. J. Rester, a partnership d/b as Giddens & Rester (WKRK), Mobile, Alabama, for construction permit; Docket No. 8300, File No. BP-5887.

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to increase its time of operating on 710 kilocycles to include nighttime operation using 250 watts with a directional antenna,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station WKRK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WKRK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WKRK as proposed would involve objectionable interference with station WOR, New York, New York or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.



5. To determine whether the operation of station WKRG as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation WKRG as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That Bamberger Broadcasting Service, Inc., licensee of station WOR, New York, New York, be, and it is hereby made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3941; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Docket No. 8301]

RIDSON, INC.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ridson, Incorporated, Superior, Wisconsin (WDSM) for construction permit; File No. BP-5638, Docket No. 8301.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit to change frequency from 1230 kilocycles, 250 watts, unlimited time, to 710 kilocycles, 5 kilowatts, unlimited time, using a directional antenna;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate Station WDSM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WDSM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WDSM as proposed would involve objectionable interference with Stations WHB, Kansas City, Mis-

souri, and WOR, Newark, New Jersey, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WDSM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station WDSM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That WHB Broadcasting Company, licensee of Station WHB, Kansas City, Missouri, and Bamberger Broadcasting Service, Inc., licensee of Station WOR, Newark, New Jersey, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3940; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, for construction permit; Docket No. 8302, File No. BP-4913.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of April 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 930 kc, with 250 w power, unlimited time, at Morgan City, Louisiana.

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be

rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with Station CMCK, Havana, Cuba, Station XECA, Tampico, Mexico, KEY, Cuernavaca, Mexico or with any other foreign station, within the meaning of the North American Regional Broadcasting Agreement.

7. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 930 kilocycles.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to section 1, footnote 4, thereof.

9. To determine the overlap, if any, that will exist between the service areas of the proposed station, and of station KCIL at Houma, Louisiana, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-3939; Filed, Apr. 24, 1947;  
8:47 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 4902]

NED R. BASKIN

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence

in this proceeding and to perform all other duties authorized by law.

*It is further ordered,* That the taking of testimony and the receipt of evidence begin on Thursday, May 15, 1947, at two o'clock in the afternoon of that day (eastern standard time), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-3916; Filed, Apr. 24, 1947;  
8:50 a. m.]

[Docket No. 5336]

SHEPHERD KNITWEAR CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April A. D. 1947.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered,* That W W Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered,* That the taking of testimony and the receipt of evidence begin on Thursday, April 24, 1947, at eleven o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented

on the record, and an appropriate recommended order, all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-3917; Filed, Apr. 24, 1947;  
8:50 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[S. O. 396, Special Permit 174]

RECONSIGNMENT OF POTATOES AT ST.  
LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., April 21, 1947, by Simplot Prod. Co., of car PFE 52762, potatoes, now on the Mo. Pac. to H. G. Hill, Nashville, Tenn. (Mo. Pac.-L. & N.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of April 1947.

V. C. CLINGER,  
Director  
Bureau of Service.

[F. R. Doc. 47-3909; Filed, Apr. 24, 1947;  
8:50 a. m.]

OFFICE OF HOUSING  
EXPEDITER

[C-16]

WILLIAM GRASSGREEN  
CONSENT ORDER

William Grassgreen doing business as Grassgreen Bldg. Contracting Co., located at 10 Stuyvesant Street, New York City, is in the building contracting business. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) during November, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000, of a commercial building located at 2101 Third Avenue, New York City (2) during and after November 1946 he carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of \$1,000 of a commercial building located at 2101 Third Avenue, New York City.

William Grassgreen admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of William Grassgreen, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither William Grassgreen, his successors and assigns, nor any other person shall do any further construction on the premises located at 2101 Third Avenue, New York City, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) William Grassgreen shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve William Grassgreen, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCOSE,  
Authorizing Officer

[F. R. Doc. 47-3969; Filed, Apr. 23, 1947;  
3:04 p. m.]

[C-17]

JAMES D. GIANGIOBBE  
CONSENT ORDER

James D. Gianglobbe has been constructing a restaurant located at 601 Burnet Avenue, Syracuse, N. Y. He is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that (1) on about September 16, 1946 he began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000, of a commercial building located at 601 Burnet Avenue, Syracuse, N. Y., (2) on and after September 16, 1946 he carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000, of a commercial building located at 601 Burnet Avenue, Syracuse, N. Y.

James D. Gianglobbe admits the violations charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of James D. Gianglobbe, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither James D. Gianglobbe, his successors and assigns, nor any other person shall do any further construction on the premises located at 601 Burnet Avenue, Syracuse, N. Y., including the

putting up, completing or altering of any of structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) James D. Giangioffe shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priority assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve James D. Giangioffe, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 23d day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,

By JAMES V. SARCONI,  
Authorizing Officer

[F. R. Doc. 47-3970; Filed, Apr. 23, 1947;  
3:04 p. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8123, Amdt.]

HERBERT MAYER

In re: Stocks owned by Herbert Mayer.  
F-28-1248-D-1, F-28-1248-D-2, F-28-1248-D-3.

Vesting Order 8123, dated January 29, 1947, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, the certificate number NO12338, set forth with respect to thirty (30) shares of \$3.00 par value common capital stock of Aviation Corporation, 422 Lexington Avenue, New York, New York, incorporated in Delaware, and substituting therefor the certificate number NO12448.

All other provisions of said Vesting Order 8123 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-3932; Filed, Apr. 4, 1947;  
8:51 a. m.]

[Vesting Order 8688]

KLEMENT EMBERGER

In re: Estate of Klement Emberger, deceased. File No. D-28-9894; E. T. sec. 13977.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victoria Hackl Geiger Emberger, Clara Emberger, Francisca Emberger, and Klement Emberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Klement Emberger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Franz Xavier Geiger, as administrator, acting under the judicial supervision of the Mercer County Orphans' Court, Trenton, New Jersey

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3920; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Vesting Order 8672]

KALLE & Co. A. G.

In re: Bank account and portion of bank account owned by Kalle & Co. Aktiengesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kalle & Co. Aktiengesellschaft, the last known address of which is Wiesbaden-Bleibach, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of an account entitled Holland American Merchants Corporation Special Account No. 2, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of \$54,800, as of December 19, 1946, constituting a portion of an account entitled N. V. Hollandsche Koopmansbank, Amsterdam, Holland, Special Blocked "E" account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 8, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3918; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Vesting Order 8617]

EXPORTKREDITBANK A. G.

In re: Stocks, bonds and fractional certificates owned by Exportkreditbank A. G. F-28-180-A-5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonenstrasse 17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business

## NOTICES

in Germany and is a national of a designated enemy country (Germany).

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid Exhibit, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled Exportkreditbank A. G., Berlin, Germany, together with all declared and unpaid dividends thereon.

b. Those certain bonds in bearer form described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled Exportkreditbank A. G., Berlin, Germany, together with any and all rights thereunder and thereto, and

c. Five (5) Conversion Office for German Foreign Debts fractional certifi-

cates, for Series B 3% Dollar bonds, in bearer form, of the face values and numbered as follows:

Numbers:	Face value
085162	\$5.00
110013	10.00
271610	20.00
271611	20.00
271612	20.00

which fractional certificates are presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

## EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Alleghany Corp., Terminal Tower Bldg., Cleveland, Ohio.	New Jersey	Common	\$1	C068113	55	L. D. Pickering & Co.
American Electric Securities Corp., 20 Pine St., New York, N. Y.	Delaware	30 cent cumulative preferred.	1	NPO-5	50	Do.
National Electric Power Co.		7 percent cumulative preferred.	100	NP-294/314	100	N. V. Nederlandsch Administratie & Trustkantoor.
United Piece Dye Works, Lodi, N. J.	New Jersey	Common	No	NYCO-527	100	L. D. Pickering & Co.
Brazee Collieries, Ltd.		7 percent cumulative preference.	100	CC6787-6821	21	Professor Ernst Sachs.
European Gas & Electric Co.		Common	No	064	100	Bayerische Stickstoff-Werke A. G.
				TCO-52, 114, 197, 269, 164	125	
				TCO-177, 80, 81, 82, 83, 84, 144, 224, 296, 202, 201.	50	
				TCO-371	100	
European Gas & Electric		7 percent cumulative second preferred.	No	T2F034-152, 203, 239, 312	1,250	Do.
Kedzie-Judson Building Corp.		Common	100	T2F8	125	
				40	100	Emilio Hoerling and Mildred Hoerling or the survivor thereof.

<sup>1</sup> Each.

## EXHIBIT B

Description of issue	Face value	Certificate No.	Description of issue	Face value	Certificate No.
Chicago, Rock Island & Pacific Ry. Co. 30-year convertible 4 1/2 percent gold bonds	1 @ \$1,000	6829.	Province of Santa Fe (Argentine Republic) external guaranteed sinking fund 4 percent dollar.	1 @ 1,000	M4519.
City of Carlsbad external sinking fund (municipal external loan of 1924) 8 percent gold bonds.	5 @ 1,000	57, 58, 59, 60, 1254.	Kingdom of Serbs, Croats and Slovenes 40-year secured external 8 percent gold bond.	1 @ 1,000	M3648.
Conversion office for German foreign debts 3 percent dollar bonds.	9 @ 100	CO66901, CO66902, CO66903, CO66904, CO66982, 66876, 66574, 66553, 66539.	Siemens & Halske A. G. 25-year sinking fund 6 1/2 percent gold bond.	1 @ 500	D1309.
State of Sao Paulo 40-year (external loan of 1928) sinking fund 6 percent gold bond.	1 @ 11,000	M13502.		1 @ 11,000	M23766.

[F. R. Doc. 47-3918; Filed, Apr. 24, 1947; 8:47 a. m.]

[Vesting Order 8689]

MARIA FREY ET AL.

In re: Maria Frey, plaintiff, vs. Anton Steinhoefer et al., Defendants. File D-28-9703; E. T. sec. 13588.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Steinhoefer, Josef Frey, Maria Ilg, and Therese Feistl, whose last known address is Germany are residents of Germany and nationals

of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled "Maria Frey, plaintiff, vs. Anton Steinhoefer et al., Defendants, No. 4099" in the District Court of Nuckolls County, Nebraska, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by W. E. Garrison, Nel-

son, Nebraska, Referee, acting under the judicial supervision of the District Court of Nuckolls County, Nebraska, Case No. 4099;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3921; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Vesting Order 8696]

EMILIE KURTZ

In re: Estate of Emilie Kurtz, deceased. File D-28-10316; E. T. sec. 14706.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the University of Munich, whose last known address is Munich, Germany, is an organization organized under the laws of Germany, and is a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Emilie Kurtz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by Alice C. Toon, as Executrix, acting under the judicial supervision of the Essex County Orphans' Court, Newark, New Jersey

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

No. 82—5

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3922; Filed, Apr. 24, 1947;  
8:47 a. m.]

[Vesting Order 8701]

HENRY MULLER

In re: Estate of Henry Muller, deceased. File D-28-11110; E. T. sec. 15531.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Janzen, Paula Hitz, Helmsa Knierel, and Friederike Muller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Henry Muller, deceased is property payable or deliverable to, or claimed by, the aforesaid nations of a designated enemy country (Germany)

3. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco; and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3923; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Vesting Order 8702]

GEORGE W. NIEMEYER

In re: Estate of George W. Niemeyer, deceased. File No. D-28-9289; E. T. sec. 12211.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Niemeyer, whose last known address is Germany, is a resident of Germany and a national of a designated country (Germany)

2. That all right, title, interest, and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George W. Niemeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Anna Niemeyer and Henry Lubsen, as executors, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3924; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Vesting Order 8719]

SHOGO MUTO

In re: Debt owing to Shogo Muto. D-39-15621-C-1, D-39-15621-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shogo Muto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: All those debts or other obligations owing to Shogo Muto, by Akira Komai, 1346 West 37th Street, Los Angeles 7, California, including particularly but not limited to a portion of the sum of money on deposit with Bank of America, National Trust and Savings As-



sociation, 660 South Spring Street, Los Angeles 54, California, in a Checking Account, entitled Akira Komai, maintained at the branch office of the aforesaid bank located at 220 N. Main Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-3925; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8732]

SUNAO YOSHIMURA

In re: Real property and property insurance policies owned by Sunao Yoshimura.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sunao Yoshimura, whose last known address is Miyoshimachi, Kuku-yama, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. Real property situated in the City and County of San Francisco, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Sunao Yoshimura in and to the property insur-

ance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

#### EXHIBIT A

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to-wit:

Beginning at the point of intersection of the southerly line of Geary Street and the easterly line of Buchanan Street; running thence easterly along said line of Geary Street 62 feet; thence at a right angle southerly 14 feet 6 inches; thence at a right angle easterly 5½ inches; thence at a right angle southerly 19 feet 5 inches; thence at a right angle westerly 5½ inches; thence at a right angle southerly 28 feet 3 inches; thence at a right angle easterly 5½ inches; thence at a right angle southerly 19 feet 3½ inches; thence at a right angle westerly 5½ inches; thence at a right angle southerly 18 feet 6½ inches; thence at a right angle westerly 62 feet to the easterly line of Buchanan Street; thence at a right angle northerly along said line of Buchanan Street 100 feet to the point of beginning.

Being a portion of Western Addition Block No. 230.

#### EXHIBIT B

Policy No.	Insurer	Type	Amount	Expiration date
A-112610	Fireman's Fund Insurance Co., San Francisco, Calif.	Fire and Extended....	Buildings..... \$8,000	Mar. 7, 1950
88702	Firemen's Insurance Co. of Newark, N. J.	.....do.....	Furnishings..... 1,000	Do.
			Buildings..... 4,000	
			Furnishings..... 1,000	

[F. R. Doc. 47-3926; Filed, Apr. 24, 1947; 8:48 a. m.]

[Vesting Order 8739]

KATHERINE RIESTER

In re: Estate of Katherine Riester, deceased, and T/W of Katherine Riester, deceased. File D-28-10745; E. T. sec. 15113.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Volk, Antonia Weef, Berta Findling, and Theresia Vollmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children of Louisa Belter, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Rie-

ter, deceased, and in and to the trust created under the will of Katherine Riester, deceased; is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Charles J. Schuck, executor and trustee, acting under the judicial supervision of the County Court of Ohio County, Wheeling, West Virginia;

and it is hereby determined:

5. That to the extent that the above-named persons and the children of Louisa Belter, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property

described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3929; Filed, Apr. 24, 1947;  
8:51 a. m.]

[Vesting Order 8736]

FANNIE MILLER

In re: Estate of Fannie Miller, deceased. File No. D-28-11072; E. T. sec. 15505.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Fannie Miller, deceased, is property payable to or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by William H. Jantzen, as Executor, acting under the judicial supervision of the Surrogate's Court, Erie County, Buffalo, New York; and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-3927; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Vesting Order 8737]

JANE BOYNTON MONKS

Estate of Jane Boynton Monks, deceased. File No. D-28-9804; E. T. sec. 13815.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Hempel and Elizabeth S. Hempel whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Jane Boynton Monks, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Standish Bradford, 50 Federal Street, Boston, Massachusetts, as executor, acting under the judicial supervision of the Probate Court, Essex County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3923; Filed, Apr. 24, 1947;  
8:48 a. m.]

[Vesting Order 8740]

EMIL MAX SENER

In re: T/D of Emil Max Senger. File F-28-12242; E. T. sec. 15907.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Senger (Helm Senger), Gretchen Senger Eckern (Grete Senger), and Klaud Walters (Klaus Walters),

whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 6, 1941, by and between Emil Max Senger and Integrity Trust Company, and in and to all property held thereunder by Land Title Bank and Trust Company, as substituted trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals or a designated enemy country (Germany)

3. That such property is in the process of administration by Land Title Bank and Trust Company, as substituted trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-3930; Filed, Apr. 24, 1947;  
8:51 a. m.]

[Vesting Order 8745]

ANNA GÖHDE

In re: Cash owned by Anna Göhde. F-28-23936-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Göhde, whose last known address is Bruttendorf, Kreis, Zeven, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Cash in the sum of \$1,607.11, pres-

ently in the possession of the Attorney General of the United States in Collection Account, Symbol 896-027,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt

with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director

[F. R. Doc. 47-3931; Filed, Apr. 24, 1947;  
8:51 a. m.]